

Posted: Friday, November 07, 2014

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, NOVEMBER 12, 2014 at 6:00 PM

CLOSED SESSION BEGINS AT 5:30 PM

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
 1. Government Code section 54956.9(b);
 - a) Closed session re: Threatened Litigation Related to Wagner Street Trail.
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF MINUTES – 09-10-14 cc, 10-08-14 cc**
- VI. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VII. **CITY MANAGER REPORT**
- VIII. **PROCLAMATIONS & ANNOUNCEMENTS**
 1. Recognizing November 20, 2014 as the Great American Smokeout Day in Trinidad.
- IX. **ITEMS FROM THE FLOOR**

(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. **CONSENT AGENDA**
 1. Financial Status Reports for September 2014.
 2. Letter Re: Strawberry Rock Protection and Public Trail
 3. Ordinance 2014-01; Second Reading of Vacation Dwelling Unit Ordinance
 4. Resolution 2014-15; Submitting Local Coastal Program Amendment (VDU) to Coastal Commission.
 5. Resolution 2014-17; Designating the City Manager and City Clerk as representatives to the PARSAC Board of Directors on behalf of the City.
 6. Updated Citizen Complaint Form
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Discussion/Decision Regarding Resolution 2014-16; Support for the Little River Trail
 2. Presentation/Discussion regarding Greenhouse Gas Inventory Report from Redwood Coast Energy Authority.
 3. Discussion/Decision Regarding Potential 'Fly Humboldt' Pledge
 4. Report on November Election Results and Councilmember/Mayor Appointment Process.
 5. Report on Planning Commissioner Vacancy Announcement and Public Notice
 6. Discussion Regarding Wagner Street Trail
- X. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

SEPTEMBER 10, 2014 CC
OCTOBER 08, 2014 CC

Supporting Documentation follows with: **6 PAGES**

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 10, 2014

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Engineer Steve Allen.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION - None

IV. RECONVENE TO OPEN SESSION - None

V. APPROVAL OF AGENDA

Motion (Davies/West) to approve the agenda as written. Passed 4-0.

VI. APPROVAL OF MINUTES – No Minutes to approve.

VII. COMMISSIONERS REPORTS

Davies: RCEA Solar Panel Incentive Program.

Miller: CCNM update; Bird population study, monitoring, etc.

West: HCAOG; Update on County-wide Transportation Grant.

Fulkerson: RREDC; Airport carrier fund raising continues. Also looking for new Director.

VIII. ITEMS FROM THE FLOOR

Jim Cuthbertson – Trinidad

I hope money is being pursued to repair the Van Wycke Trail. Also, regarding the Wagner Street Trail, I have a problem. The agreements with John Frame entitle me to use the trail without being harassed. Frame is not fulfilling his end of the agreement. It's a disgrace. The 4x4 posts he installed at the entrance are illegal. No signs have been installed either. He should honor his agreement.

Mark – Trinidad Forest Defender

The City Council is a partner in protecting Strawberry Rock. Asked the council to state its position on preserving the trail to Strawberry Rock.

Jack Nounan – Trinidad Forest Defender

Climate change activist. Urged people to stop driving cars or the earth will continue to deteriorate. Announced that HSU will hold a climate crisis conference in November.

Richard Johnson – Trinidad Area Resident

Announced the Houda You Love volunteer clean-up day on Saturday, 9am.

IX. CONSENT AGENDA

1. Financial Status Reports for July 2014.
2. Proposed Grand Jury Inquiry Response.
3. Resolution 2013-14; Acknowledging the Public Service of Glenn Saunders.
4. Resolution 2014-14; Updating Authorized Signatures for LAIF Investment Fund.
5. Authorize the Mayor to Sign Letter to Board of Supervisors Supporting Critical Watershed Protection in the Consideration of Regulation of Marijuana Grows.
6. Receive Report on City's Drought-Response Measures.
7. Neighborhood Disaster Preparedness Training Workshop Announcement
8. ASBS Contract Amendment for Services with GHD, Inc.
9. Luffenholtz Creek Project Contract Amendment for Services with GHD, Inc.

Motion (West/Davies) to approve the consent agenda as written. Passed unanimously.

X. DISCUSSION AGENDA

1. Receive Presentation from Humboldt County Officials on Countywide Sales Tax Measure.
County representatives Maggie Flemming and Phillip Smith-Haynes presented Measure Z, the ½ cent sales tax increase proposal. Smith-Haynes explained that over the past 22 years, the State has taken over 286 million

from the County, but local tax measure funding stays local. The purpose of this measure is to enhance public safety, fight drug-related crimes, protect natural resources, curb child abuse and violent crime. The sales tax measure would expire in 5 years, and applies only to taxable items. It is expected to generate over 6 million per year in additional revenues. A fiscal advisory committee will oversee the expenditure of the new revenue. Public safety is the number one priority.

Public comment included:

Jim Cuthbertson – Trinidad

Trinidad's sales tax hasn't ended. Will this one really expire in 5 years? There's no guarantee.

Mike Morgan – Trinidad

Will any of this revenue go back to the cities? Nothing prohibits cities for asking for some of it, but it would be a competitive process.

No decision was made. Presentation item only.

2. Annual Unmet Transit Needs Hearing.

City Manager Berman explained that each year HCAOG conducts a citizen participation process to assess unmet transit needs within Humboldt County. The public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

Public comment included:

Dave Mullins – Trinidad Area Resident

Wants better service north from Trinidad to Patrick's Point.

Comments will be forwarded to HCAOG.

3. Presentation/Discussion regarding Greenhouse Gas Inventory report from Redwood Coast Energy Authority.
Continued to a future meeting.

4. Establish Council Committee Representative to the Trinidad Rancheria for ASBS Stormwater Phase II Project.
City Manager Berman explained that In November 2013, the City Council appointed Jack West to act as a liaison to the Rancheria's Tribal Council regarding the ASBS Stormwater Project. However in addition to the Stormwater Project, there are other projects of significance to both the City and the Trinidad Rancheria that require ongoing discussion and cooperation between our two governments.

City and Rancheria staff met on August 21, 2014 to share information about the City's current Stormwater Project, which is nearing completion, and to discuss the next phases of the Stormwater Project. At that meeting representatives of the Rancheria requested the establishment of a City Council Committee assigned to work with a similar Trinidad Rancheria Tribal Council Committee to facilitate communication and cooperation between the City and the Trinidad Rancheria on a range of issues.

There was no public comment.

Mayor Fulkerson and Councilmember West offered to represent the city on this committee.

Motion (Davies/Baker) to appoint the Mayor and Councilmember West to work with the Trinidad Rancheria on issues of mutual significance to our two governments. Passed unanimously.

XIII. ADJOURNMENT

- Meeting ended at 7:15pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, OCTOBER 08, 2014

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b);
 - a) Closed session with City Attorney re: Threatened Litigation Related to Wagner Street Trail.

IV. RECONVENE TO OPEN SESSION – *Nothing to report.*

V. APPROVAL OF AGENDA

Pull Item #4 for discussion, and continue Resolution 2014-15 to the next meeting.
Motion (West/Miller) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES – No Minutes to approve.

VII. COMMISSIONERS REPORTS

Davies: Citizen Complaint Form process still being reviewed. Will have proposal in November.

Miller: Nothing to report.

West: Nothing to report.

Fulkerson: Recent oversea travel experiences and reflections; healthy people, pedestrian friendly, etc.

VIII. ITEMS FROM THE FLOOR - *None*

IX. CONSENT AGENDA

1. Financial Status Reports for August 2014.
2. Staff Activities Report
3. Law Enforcement Report
4. Authorize City Manager to Modify Deputy Sheriff Schedule Within Existing Agreement.
Councilmember Davies requested that Manager continue to work on this, but must take deputy Wilcox's input into consideration, and have both weekend days covered if possible. No bankers hours. Baker and Fulkerson also commented on deputy Wilcox's style, sense of humor, and dedication to the job. *Motion (Miller/West) to authorize the CM to modify the Sheriff's schedule within existing agreement as needed. Passed unanimously.*
5. Receive 2014 Report Card for Humboldt County's Infrastructure.
6. Neighborhood Disaster Preparedness Training Workshop Announcement Reminder
7. Report/Memorandum on Trinity Street Water Leak

Pulled item 4 for discussion.

Motion (West/Davies) to approve the consent agenda as amended. Passed unanimously.

X. DISCUSSION AGENDA

1. Discussion/Decision Regarding Verizon Proposal for Diplexer and Actuator Upgrade on Trinidad Head Site.
City Planner Trever Parker explained that Verizon is requesting the City's permission to install additional components on their existing Trinidad Head cellular antenna system, which is on property leased to Verizon by the City. Verizon is proposing to install three new diplexer units (6.0" x 7.7" x 3.7" each) on the existing Verizon Wireless pole, between the pole and existing antennas. The project also includes installing one actuator (8" x 2.8" x 2.1") on to the bottom of each of the three existing antennas and installing one new ½" RET cable along the pole from the antennas to an equipment cabinet. The purpose of the diplexers is to enhance service to accommodate increased usage. The purpose of the actuators is to allow remote adjustments in the tilt of the antennas, which is currently done manually. Verizon has provided construction details and existing and proposed elevations to show the visual changes (included in this packet).

The Ground Lease to Verizon for the cellular site on Trinidad Head owned by the City includes language as follows: "*Lessee...may make alterations, improvements, additions or utility installations to or on the Site that are*

necessary for the conduct of the permitted uses of the Site, subject to the prior written approval of the Lessor" (§5.05(a)), and "no such consent or approval shall be unreasonably withheld or delayed and all such determinations shall be made on a reasonable basis and in a reasonable manner" (§9.11).

City staff has determined that the proposed project would not require a Coastal Development Permit, and has received concurrence from Coastal Commission staff on that determination (attached). In 1978 the Coastal Commission adopted guidance for repair and maintenance exemptions for utilities (entitled 'Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements'). This document includes the following language for communication facilities: "A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal permit is not required ... [for] work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service." The purpose of the project is to supply increased demand to existing facilities and maintain the existing level of service, so this exemption applies.

Section 13252 of the Coastal Act Regulations (Repair and Maintenance Activities Requiring a Permit) states: "The provisions of this section shall not be applicable to those activities specifically described in the document entitled *Repair, Maintenance and Utility Hookups*, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands or public views to the ocean (emphasis added)." These exceptions are not applicable to this proposal because there will be no ground disturbance, no reduction in public access and very minor visual changes that will not affect views.

There were no comments from the public or Council.

Motion (Miller/Baker) to authorize Verizon to proceed with the project as proposed. Passed unanimously.

2. Discussion/Decision Regarding First Reading of Vacation Dwelling Unit Ordinance 2014-01, and Resolution 2014-15 Submitting Local Coastal Program Amendment to Coastal Commission.

City Planner Trever Parker explained that at the June Council meeting, and at the request of Coastal Commission staff, the Council approved a 'Resolution of Withdrawal' for the VDU Ordinance LCP amendment application. The reason for this was because the ordinance has changed so much since it was first adopted by the City, Coastal Commission staff would prefer to bring a clean, revised ordinance that both parties can agree on to the Coastal Commission to avoid confusion and also so they can recommend approval of the ordinance 'as submitted.' However, at that time, there was still one point of disagreement regarding the water use language in the ordinance.

The Coastal Commission wanted to see a numerical cap on VDU water use based on the design flow of the septic system, and the City wanted to ensure there was an appropriate allowance for landscaping. We had not reached an agreement on this number until now. At the August meeting, Parker presented information that showed that there was no relationship between lot size and water use, but also that very few residences are actually using more water than the design flow of their septic systems, even including landscaping and other outdoor uses.

She proposed two alternative solutions to Coastal Commission staff: (1) a 30% allowance above the design flow (150 gallons per bedroom per day) for landscaping, which was based on the national average of 30% (where the state average is around 55%); or (2) a broad sliding scale based on lot sizes that I found on the 'Save Our Water Website' maintained by the Association of CA Water Agencies. Coastal Commission staff researched the issue to see if they could come up with a number that is more specific to the north coast. However, water use is so variable around the state and country, they could not find anything definitive. Therefore, they have agreed on the 30% allowance.

The other outstanding issues was to come up with some language for an exception from the parking requirements for existing, established VDUs (§17.56.190.H.2). Parker worked on this language in cooperation with the City Attorney. There is already an appeal process for staff determinations in the zoning ordinance (§17.72.100) if someone disagrees with a determination on an exception. She made a few other minor changes for linguistic consistency.

Finally, there is also a new Resolution of Submittal to be adopted for the LCP amendment application that will need to be submitted to the Coastal Commission in order to certify this ordinance as part of the City's LCP and zoning ordinance.

There was no public comment.

The Council thanked Parker for the final version and all the legwork done to reach this conclusion.

Motion (Miller/West) to approve the first reading of the revised VDU ordinance. Passed unanimously.

3. Update and Presentation on Strawberry Rock Trail Project.

City Manager Berman explained that the community has enjoyed trail access to Strawberry Rock for decades, however the rock and surrounding property are owned by Green Diamond Resource Company and managed for timber production, and no formal agreement for trail access has ever been in place. Green Diamond and the Trinidad Coastal Land Trust are working towards a Strawberry Rock Trail Project. The current working proposal would cover approximately 38 acres, and provide for:

1. a public trail from the end of the frontage road to Strawberry Rock;
2. protection of the Rock itself; and
3. protection of an approximately 24 acre grove of redwood forest that the current trail passes through.

Funding to complete this project has not yet been secured. There are a number of open questions to be decided, and the answers may depend in part on the funding sources that are found to complete the project.

1. Fee title ownership vs. Conservation Easement?
2. What entity will hold the title or easement?
3. Trail upkeep and maintenance?

The City has already indicated their enthusiastic support for the concept of a Strawberry Rock Trail Project in a letter (attached) provided in 2013. Staff will continue to engage with the parties to ensure that the City is doing what it can to help advance this project.

Public comment included:

Marc – Trinidad Treesitter

We need to work with the tribes. This is stolen sacred land. Open the door and pray and money will come to secure the forest. Close the circle.

Trinidad Treesitter #2

This is a culturally significant site. I did a lot of work with the McKay Tract. Too much money was on the table but the forest was saved. Signage may help acknowledge the significance of the area. Encourage including Friends of Trinidad Forest in the discussions. We spent a lot of time cleaning up this area.

Mahaia – Trinidad Forest Activist

I'm from Redding. The record heat threatens the Redwood Forest. Less redwoods, the hotter it will get. I work to ensure the 7th generation will inherit a healthy planet. All redwoods should be preserved because they defend against climate change. We should also work with the natives and allow them to have their ceremonies at Strawberry Rock.

Stan – Trinidad Forest Activist

As an activist, we can only do so much. The city could help. All harvest plans should be cancelled.

Jene McCovey – Trinidad Forest Activist

Strawberry Rock is a ceremonial site. Shared a brief story on the significance of the site. Concerned with forest practices surrounding the area as well. Non-GMO supporter. Walk together as California leads the way. Honored to be here tonight.

Trinidad Forest Activist #4

This is a unique opportunity to preserve the area and offer carbon offset credits. Property values in Trinidad could be improved if this area is protected.

Jack Nounan – Trinidad Forest Activist

Everything is up for grabs. There is a global climate crisis. Forests are the lungs of the earth. Corporate emissions vs. public interests. Is Green Diamond really a good neighbor? We must act now to ensure the planet is healthy for future generations.

Doug Smith – Trinidad area resident

Lived in Westhaven for 27 years. Logging companies used herbicides. When treesits started, I was invited to meet with Green Diamond. My vision for the area is a complete, healthy watershed.

Council comments included:

Fulkerson: This is a big, healthy list of concerns and priorities. I offer to re-write the original letter, add more strength to it, and put it on next months consent agenda.

Miller: We have limited power in this issue, and I encourage activists to look to national endowments for additional support. We support Strawberry Rock preservation.

Baker: Tribal Council's should be a part of this discussion.

No decision was made. Mayor Fulkerson volunteered to re-write the city support letter and bring it back to the Council at a future meeting for approval.

XIII. ADJOURNMENT

- Meeting ended at 7:40pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for September 2014.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 9/1/2014 Through 9/30/2014

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	90,035.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,015.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	485.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41071	MOTOR VEHICLES	0.00	0.00	1,240.00	100.00)%
41100	PROPERTY TAX - INTEREST +	0.00	0.00	20.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	667.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,640.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	1,450.00	100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(2,373.00)	100.00)%
41200	LAFCO Charge	0.00	0.00	(380.00)	100.00)%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	27,100.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	28,070.00	100.00)%
42000	SALES & USE TAX	11,732.93	11,741.91	181,600.00	(93.53)%
43000	TRANSIENT LODGING TAX	3,643.20	6,837.00	126,000.00	(94.57)%
53010	COPY MACHINE FEE	0.00	0.00	15.00	100.00)%
53020	INTEREST INCOME	11.88	40.45	13,000.00	(99.69)%
53090	OTHER MISCELLANEOUS INCOME	663.71	847.83	800.00	5.98%
54020	PLANNER- APPLICATION PROCESSIN	150.00	1,960.00	5,000.00	(60.80)%
54050	BLDG.INSR-APPLICATION PROCESSI	956.01	3,553.62	7,000.00	(49.23)%
54100	ANIMAL LICENSE FEES	0.00	0.00	300.00	100.00)%
54150	BUSINESS LICENSE TAX	400.00	10,332.00	9,900.00	4.36%
54300	ENCROACHMENT PERMIT FEES	0.00	50.00	400.00	(87.50)%
56400	RENT - VERIZON	0.00	5,973.26	22,735.00	(73.73)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56550	RENT - PG& E	0.00	0.00	8,750.00	100.00)%
56650	RENT - SUDDENLINK	0.00	1,242.80	4,825.00	(74.24)%
56700	RENT - TOWN HALL	400.00	1,480.00	7,000.00	(78.86)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	65,000.00	100.00)%
	Total Revenue	17,957.73	44,058.87	608,669.00	(92.76)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 9/1/2014 Through 9/30/2014

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	250.00	750.00	2,500.00	70.00%
61000	EMPLOYEE GROSS WAGE	6,314.14	19,418.27	111,770.00	82.63%
61470	FRINGE BENEFITS	28.96	121.28	600.00	79.79%
65100	DEFERRED RETIREMENT	299.20	816.72	5,082.00	83.93%
65200	MEDICAL INSURANCE AND EXPENSE	463.37	1,240.91	10,068.00	87.67%
65300	WORKMEN'S COMP INSURANCE	0.00	722.83	4,471.00	83.83%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	44.00	112.00	750.00	85.07%
65600	PAYROLL TAX	507.80	1,555.85	8,939.00	82.59%
65800	Grant Payroll Allocation	(795.10)	(898.77)	(2,500.00)	64.05%
68090	CRIME BOND	0.00	700.00	455.00	(53.85)%
68200	INSURANCE - LIABILITY	0.00	6,355.05	8,830.00	28.03%
68300	PROPERTY & CASUALTY	0.00	3,555.50	4,280.00	16.93%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	20,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	12,886.67	45,000.00	71.36%
71410	BLDG INSPECTOR-ADMIN TASKS	510.00	1,480.00	8,000.00	81.50%
71510	ACCOUNTANT-ADMIN TASKS	727.48	2,616.47	11,050.00	76.32%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	12,285.00	100.00%
72000	CHAMBER OF COMMERCE	689.52	689.52	15,045.00	95.42%
74200	REIMBURSED GRANT ADMIN EXP	0.00	0.00	(700.00)	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	810.00	2,297.50	5,700.00	59.69%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	1,950.00	8,190.00	76.19%
75180	UTILITIES	341.85	1,429.98	10,250.00	86.05%
75190	DUES & MEMBERSHIP	0.00	0.00	270.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	5,700.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	469.08	958.92	6,000.00	84.02%
75240	BANK CHARGES	15.00	37.21	200.00	81.39%
75300	CONTRACTED SERVICES	0.00	0.00	8,134.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	54.00	100.00	46.00%
76110	TELEPHONE	193.96	450.73	1,550.00	70.92%
76130	CABLE & INTERNET SERVICE	283.08	829.67	4,900.00	83.07%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	258.00	1,590.00	83.77%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,500.00	100.00%
	Total Expense	11,802.34	60,388.31	334,009.00	81.92%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 9/1/2014 Through 9/30/2014

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	297.60	737.60	3,327.00	77.83%
65300	WORKMEN'S COMP INSURANCE	0.00	16.81	133.00	87.36%
65600	PAYROLL TAX	22.76	56.42	255.00	77.87%
75170	RENT	650.00	1,950.00	8,190.00	76.19%
75180	UTILITIES	99.94	459.76	2,485.00	81.50%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	88,085.00	100.00%
75350	ANIMAL CONTROL	113.00	339.00	1,925.00	82.39%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,000.00	100.00%
76110	TELEPHONE	81.27	241.46	1,630.00	85.19%
	Total Expense	<u>1,264.57</u>	<u>3,801.05</u>	<u>107,430.00</u>	<u>96.46%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 9/1/2014 Through 9/30/2014

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	450.00	1,800.00	75.00%
75180	UTILITIES	38.29	102.54	1,150.00	91.08%
75190	DUES & MEMBERSHIP	0.00	0.00	35.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,160.00	100.00%
76110	TELEPHONE	24.41	71.03	300.00	76.32%
76140	RADIO & DISPATCH	0.00	0.00	450.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	164.55	350.00	52.99%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	72.30	7,534.30	10,500.00	28.24%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	767.06	2,500.00	69.32%
78200	EQUIPMENT REPAIRS & MAINTENANC	100.54	100.54	400.00	74.86%
	Total Expense	<u>385.54</u>	<u>9,190.02</u>	<u>45,545.00</u>	<u>79.82%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 9/1/2014 Through 9/30/2014

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	3,056.74	8,099.20	40,126.00	79.82%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	327.58	830.30	4,296.00	80.67%
65200	MEDICAL INSURANCE AND EXPENSE	1,731.78	5,063.52	28,435.00	82.19%
65300	WORKMEN'S COMP INSURANCE	0.00	268.96	1,704.00	84.22%
65600	PAYROLL TAX	259.11	684.02	3,587.00	80.93%
65800	Grant Payroll Allocation	(788.55)	(1,740.64)	(500.00)	(248.13)%
71210	CITY ENGINEER-ADMIN. TASKS	408.00	578.00	4,800.00	87.96%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	6,000.00	100.00%
75240	BANK CHARGES	0.00	15.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	41,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
76110	TELEPHONE	0.00	56.70	0.00	0.00%
76160	LICENSES & FEES	0.00	460.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	52.84	5,000.00	98.94%
78120	STREET LIGHTING	347.06	1,046.24	4,000.00	73.84%
78130	TRAIL MAINTENANCE	0.00	0.00	2,500.00	100.00%
78140	VEHICLE FUEL & OIL	440.37	1,166.77	4,700.00	75.18%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	45,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	288.94	728.52	6,500.00	88.79%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	500.00	100.00%
	Total Expense	<u>6,071.03</u>	<u>17,309.43</u>	<u>201,098.00</u>	<u>91.39%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 9/1/2014 Through 9/30/2014

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	0.00	1,373.01	5,640.00	(75.66)%
56150	FRANCHISE FEES	807.99	1,253.67	7,000.00	(82.09)%
	Total Revenue	807.99	2,626.68	12,640.00	(79.22)%
	Expense				
61000	EMPLOYEE GROSS WAGE	795.13	2,023.59	9,716.00	79.17%
65100	DEFERRED RETIREMENT	95.42	242.84	1,251.00	80.59%
65200	MEDICAL INSURANCE AND EXPENSE	446.30	1,294.46	7,302.00	82.27%
65300	WORKMEN'S COMP INSURANCE	0.00	67.24	344.00	80.45%
65600	PAYROLL TAX	68.12	173.38	767.00	77.40%
65800	Grant Payroll Allocation	(139.98)	(325.69)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75250	TRANSIT SERVICES- HTA	4,468.00	4,468.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	122.78	1,000.00	87.72%
	Total Expense	5,732.99	8,066.60	21,380.00	62.27%
	Net Income	(4,925.00)	(5,439.92)	(8,740.00)	(37.76)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 9/1/2014 Through 9/30/2014

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	4,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	840.00	2,479.06	2,500.00	(0.84)%
57100	WATER SALES	26,248.81	84,474.65	305,000.00	(72.30)%
57300	NEW WATER HOOK UPS	0.00	0.00	3,000.00	(100.00)%
57500	WATER A/R PENALTIES	(221.28)	2,888.72	2,000.00	44.44%
	Total Revenue	26,867.53	89,842.43	316,500.00	(71.61)%
Expense					
61000	EMPLOYEE GROSS WAGE	6,115.42	16,344.18	79,032.00	79.32%
61250	OVERTIME	0.00	0.00	2,000.00	100.00%
65100	DEFERRED RETIREMENT	696.36	1,846.21	9,081.00	79.67%
65200	MEDICAL INSURANCE AND EXPENSE	2,723.45	7,964.67	42,045.00	81.06%
65300	WORKMEN'S COMP INSURANCE	0.00	521.11	3,229.00	83.86%
65600	PAYROLL TAX	521.22	1,392.03	6,871.00	79.74%
65800	Grant Payroll Allocation	(1,505.39)	(3,558.66)	(1,000.00)	(255.87)%
68200	INSURANCE - LIABILITY	0.00	3,421.95	4,755.00	28.03%
68300	PROPERTY & CASUALTY	0.00	1,914.50	2,305.00	16.94%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	391.72	827.33	5,950.00	86.10%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	6,615.00	100.00%
72100	BAD DEBTS	0.00	0.00	350.00	100.00%
75180	UTILITIES	0.00	3,025.86	15,835.00	80.89%
75190	DUES & MEMBERSHIP	0.00	58.50	700.00	91.64%
75200	MUNICIPAL/UPDATE EXPENSE	73.24	73.24	575.00	87.26%
75220	OFFICE SUPPLIES & EXPENSE	136.00	272.00	3,500.00	92.23%
75230	INTEREST EXPENSE	6.46	6.46	0.00	0.00%
75240	BANK CHARGES	0.00	0.00	150.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	7,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	47.15	206.21	1,000.00	79.38%
76130	CABLE & INTERNET SERVICE	49.00	147.00	620.00	76.29%
76160	LICENSES & FEES	0.00	0.00	2,475.00	100.00%
78120	STREET LIGHTING	1,576.32	1,576.32	0.00	0.00%
78140	VEHICLE FUEL & OIL	129.86	309.85	2,500.00	87.61%
78150	VEHICLE REPAIRS	0.00	271.48	2,000.00	86.43%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,200.00	100.00%
78170	SECURITY SYSTEM	0.00	73.50	500.00	85.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	118.61	6,000.00	98.02%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	60.00	280.00	4,500.00	93.78%
79120	WATER PLANT CHEMICALS	1,121.59	1,652.71	12,000.00	86.23%
79130	WATER LINE HOOK-UPS	0.00	0.00	3,000.00	100.00%
79150	WATER LINE REPAIR	1,284.23	1,469.12	20,000.00	92.65%
79160	WATER PLANT REPAIR	0.00	0.00	10,000.00	100.00%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	13,426.63	40,214.18	276,038.00	85.43%
	Net Income	13,440.90	49,628.25	40,462.00	22.65%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 9/1/2014 Through 9/30/2014

		<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Revenue				
53020	INTEREST INCOME	0.00	0.00	900.00	(100.00)%
58100	CEMETERY PLOT SALES	<u>100.00</u>	<u>3,103.33</u>	<u>7,500.00</u>	<u>(58.62)%</u>
	Total Revenue	<u>100.00</u>	<u>3,103.33</u>	<u>8,400.00</u>	<u>(63.06)%</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	1,008.51	2,546.03	12,210.00	79.15%
65100	DEFERRED RETIREMENT	121.04	305.57	1,585.00	80.72%
65200	MEDICAL INSURANCE AND EXPENSE	562.18	1,658.61	9,336.00	82.23%
65300	WORKMEN'S COMP INSURANCE	0.00	84.05	528.00	84.08%
65600	PAYROLL TAX	86.42	218.17	1,132.00	80.73%
65800	Grant Payroll Allocation	(183.82)	(435.34)	(50.00)	(770.68)%
71210	CITY ENGINEER-ADMIN. TASKS	1,009.50	1,009.50	0.00	0.00%
75180	UTILITIES	0.00	125.25	700.00	82.11%
78190	MATERIALS, SUPPLIES & EQUIPMEN	<u>0.00</u>	<u>1,893.27</u>	<u>1,000.00</u>	<u>(89.33)%</u>
	Total Expense	<u>2,603.83</u>	<u>7,405.11</u>	<u>26,441.00</u>	<u>71.99%</u>
	Net Income	<u>(2,503.83)</u>	<u>(4,301.78)</u>	<u>(18,041.00)</u>	<u>(76.16)%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Letter Re: Strawberry Rock Protection and Public Trail



Green Diamond Resource Company
The California Redwood Company
PO. Box 1089
Arcata, CA 95518-1089

Attention: **Mr. Neal Ewald**, Vice President and General Manager
 Mr. Gary Ryneerson, Manager, Forest Policy and Communications

Dear Mr. Ewald and Mr. Ryneerson:

The Trinidad City Council is writing to reaffirm its March 2013 unanimous position in support of the collaborative efforts between Green Diamond and the Trinidad Coastal Land Trust toward the development of a conservation easement to protect Strawberry Rock and provide for a public trail.

In a recent City council meeting (October 8, 2014), the Council heard from constituents who provided input on the importance of preserving as much forest land as feasible. The over-arching concern raised was global warming and forest preservation. As one presenter stated it, "we need to plan for the next seven generations." Additional comments addressed the importance of working with the Native American community regarding access and preservation, as Strawberry Rock is a significant and sacred cultural site for the Yurok people.

The Trinidad City Council respectfully re-affirms its interest in and support for healthy watershed and forest management, and for the efforts to provide a public trail and permanent protection for Strawberry Rock. We appreciate your efforts to bring this project to fruition, and are available to assist as needed.

Thank you for continuing to listen to the community and for working toward a future vision that will serve the needs of the forest and watershed, your company and many generations to come.

Sincerely,

Julie Fulkerson, Mayor,
on behalf of the Trinidad City Council

Cc: Matthew Marshall, Board President, Trinidad Coastal Land Trust



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

3. Ordinance 2014-01; Second Reading of Vacation Dwelling Unit Ordinance

CONSENT AGENDA ITEM

Wednesday, November 12, 2014

Item: Ordinance 2014-01; Second Reading of Vacation Dwelling Unit Ordinance

Background: The first reading hearing was conducted at the October meeting and the Council voted unanimously in support of the final draft of the VDU Ordinance. A second reading is required for all Ordinances. This item will fulfill that requirement.

Approval of this item tonight, followed by the approval of Resolution 2014-15 (also on the consent agenda) will allow staff to complete the final steps to bring this process to a conclusion.

Recommended Action: Approve the second reading of Ordinance 2014-01.

Attachments: Draft Ordinance 2014-01.

TRINIDAD CITY HALL
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

JULIE FULKERSON, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2014-01

**AN ORDINANCE OF THE CITY OF TRINIDAD
ADDING SECTION 17.56.190 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING
SECTION 6.26 TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE),
AND AMENDING SECTIONS 17.56.160 AND 17.56.180 OF THE TRINIDAD MUNICIPAL
CODE (AMENDING SECTIONS 6.16 AND 6.18 OF THE COASTAL COMMISSION
CERTIFIED ZONING ORDINANCE)**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2012-01, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26), "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Vacation Dwelling Units

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Definitions
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Application Requirements
17.56.190 (6.26).E	Effect on Existing Vacation Dwelling Units
17.56.190 (6.26).F	Location
17.56.190 (6.26).G	Non-Permitted Uses
17.56.190 (6.26).H	VDU Standards
17.56.190 (6.26).I	Tourist Occupancy Tax
17.56.190 (6.26).J	Audit
17.56.190 (6.26).K	Dispute Resolution
17.56.190 (6.26).L	Violations—Penalty
17.56.190 (6.26).M	Violations—Revocation
17.56.190 (6.26).N	Ordinance Review

17.56.190 (6.26).A

Short Title.

This Section shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.56.190 (6.26).B

Definitions.

1. Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for off-street parking, minimizing noise, establishing quiet hours, and minimizing disturbance to neighbors and environmentally sensitive habitat areas.

2. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

3. Occupant.

"Occupant" within this Section means any person who exercises occupancy of a Vacation Dwelling Unit (VDU) or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has transpired. As used in this Section, "occupant" does not include children aged 5 or under.

4. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is 30 consecutive days, or less.

5. Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of "Vacation Dwelling Unit" encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof. "Vacation Dwelling Unit" does not include home exchanges or a short-term rental one time in a calendar year.

6. Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

17.56.190 (6.26).C

Purpose.

The purpose of this Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.56.190 (6.26).D

Application Requirements.

1. Initial Application.

Each VDU must procure a VDU License. Existing VDUs must obtain a VDU License within 3 months of the adoption of this ordinance. A VDU License issued pursuant to this Section shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. The VDU License shall identify the existence of a VDU at a particular address and declare the number of bedrooms in the VDU and its intended maximum occupancy.

A site plan and floor plan must be submitted along with the VDU License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a VDU License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify,

defend and hold the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

An initial VDU License Fee, as set by resolution of the City Council, will be charged for the first year of each VDU's operation.

The City will notify all property owners within 100 feet of a VDU property of the VDU License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below.

Upon initial application for a VDU License, the City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. VDU License Renewals.

The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal.

3. Contact Information.

a. Local Contact Person.

Each VDU must designate a local contact person on the VDU License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a VDU License for the VDU.

The emergency contact information sent to neighbors may include further instructions in the case that a response from the 24-hour emergency contact number is not forthcoming. If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

17.56.190 (6.26).E

Effect on Existing Vacation Dwelling Units.

Each individual operating a VDU existing at the time the VDU Ordinance is adopted, including those currently holding a valid Trinidad Business License, shall be subject to the requirements of this Section of the Zoning Ordinance upon its adoption. The owner of an existing VDU which does not meet the requirements of this Section will not be issued a VDU License and shall not use the VDU structure for VDU purposes.

17.56.190 (6.26).F Location.

VDU's are permitted only in Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts. VDUs are also permitted in a legally established Accessory Dwelling Unit subject to meeting the requirements of this Section. Each separate VDU must obtain its own, individual VDU License. There shall be no more than one VDU per parcel.

17.56.190 (6.26).G Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes. Use for commercial events or events which are not hosted by the VDU's property owner are not permitted.

17.56.190 (6.26).H VDU Standards

All VDUs will be required to meet the following standards:

1. Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed in the VDU pursuant to Section 17.56.190 (6.26).H.1. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system.

VDUs that have been in existence for a minimum of two years that can not feasibly comply with the parking requirements may apply for an administrative exception. Exception requests shall be made through the City Clerk and shall provide documentation (e.g. receipts or rental contracts) showing both that the VDU has been in active operation for a minimum of two years and the maximum rental occupancy over that period. The request shall include a detailed site plan and justification as to why the required parking spaces can not be accommodated on the site, as well as note where alternative parking is utilized. The City Planner shall only grant an exception to accommodate the documented maximum occupancy over the past two years. The City Planner may deny an exception request or approve the exception for fewer parking spaces than requested if the exception would be detrimental to the public health and safety.

3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the VDU License and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

5. Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

6. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

7. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the VDU.

8. Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons, including occupants, per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed to stay overnight on the premises.

9. Noise.

Occupants of VDU properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

10. Traffic.

Vehicles used and traffic generated by the VDU shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

11. Tenancy.

The rental of a VDU shall not be for less than two successive nights.

12. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

13. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).I Tourist Occupancy Tax.

The letting, leasing, or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).J Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).K Dispute Resolution.

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).L Violations

1. Penalty

Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these VDU regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

3. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).M Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2014-01, SECTION 2:

Append a new sub-section A.7 to Chapter 17.56, Section 17.56.160, Signs, (Article 6, Section 6.16, Signs) to read, in context, as follows:

- A. In all zones the following signs shall be permitted, provided that signs permitted in 2 and 3 below shall be subject to review by the design assistance committee:
1. A residential nameplate bearing the name of the occupant and not exceeding 2 square feet, provided that 3 square feet shall be permitted for a residence with a home occupation...
 2. Vacation Dwelling Unit identification signs, as allowed by Section 17.56.190 (6.26).H.5, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

ORDINANCE 2014-01, SECTION 3:

Append a new sub-section B.8 to Chapter 17.56, Section 17.56.180, Parking and Loading Facilities, (Article 6, Section 6.18, Parking and Loading Facilities) to read, in context, as follows:

Off-street parking and loading space shall be provided in all zones in conformity with the following:

- A. Each required parking space shall be not less than 8'6" wide, 18 feet long and 7 feet high, provided that where 6 or more spaces are required up to 50 percent of the spaces may be 16 feet long. Each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high.
- B. Parking spaces shall be provided as follows:
1. Campground, RV park, motel: 2 spaces plus 1 space per unit.
 2. Single-family dwelling and mobile home on a lot: 2 spaces in addition to any garage spaces.
 3. Attached dwellings (duplex, townhouse): 1.5 spaces per unit...
 4. Vacation dwelling unit: A minimum of one off-street parking space per every two occupants allowed in the VDU unless an exception is granted pursuant to Section 17.56.190 (6.26).H.2

ORDINANCE 2012-01, SECTION 4:

This Ordinance shall take effect upon certification by the Coastal Commission.

Passed, approved, and adopted this 8th day of October, 2014 by the following roll call vote:

AYES: West, Miller, Fulkerson, Baker, Davies
NOES: None
ABSTAIN: None
ABSENT: None

Attest:

Approved:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor

First Reading: **Wednesday, October 08, 2014**

Second Reading: **Wednesday, November 12, 2014**



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

4. Resolution 2014-15; Submitting Local Coastal Program Amendment (VDU) to Coastal Commission.

CONSENT AGENDA ITEM

Wednesday, November 12, 2014

Item: Resolution 2014-15; Submitting Local Coastal Program Amendment (VDU) to Coastal Commission.

Background: This Resolution of Submittal must be adopted and forwarded to the Coastal Commission along with the LCP amendment application in order to certify the VDU Ordinance as part of the City's LCP and Zoning Ordinance.

Recommended Action: *Approve and adopt Resolution 2014-15 and authorize staff to submit the LCP amendment application to the Coastal Commission.*

Attachments: Resolution 2014-15.



RESOLUTION 2014-15

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO ADD TO AND AMEND SECTIONS OF THE ZONING ORDINANCE ADDRESSING VACATION DWELLING UNITS (VDUs) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted an ordinance amending the Implementation Plan of the Local Coastal Program to address deficiencies in the existing implementing ordinances that do not adequately regulate VDUs; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the ordinance is Categorically exempt per §15301 of the CEQA Guidelines exempting "the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing private or public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination," and per §15305 exempting "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density," and Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission approved an amendment to the Zoning Ordinance on June 15, 2011, and the Trinidad City Council adopted the amendment on August 10, 2011 as recommended by the Planning Commission; and

WHEREAS, the City of Trinidad transmitted an LCP amendment to the Coastal Commission to amend the City's LCP to add sections to the Zoning Ordinance addressing VDUs on May 8, 2013; and

WHEREAS, the proposed implementation plan amendment was filed by the Commission on May 22, 2013; and

WHEREAS, City staff and Coastal Commission staff negotiated significant changes to the adopted ordinance to ensure compatibility with the Coastal Act, the City's LCP and local conditions; and

WHEREAS, Coastal Commission staff would recommend against approval of the originally submitted VDU ordinance and would be recommending numerous suggested modifications to the submitted ordinance to which the City staff consent; and

WHEREAS, the agreed upon changes have made tracking and understanding the differences between the ordinance that was originally submitted to the Coastal Commission and the version that since has been negotiated complicated and time-consuming to understand; and

WHEREAS, both parties agree that it would be in the City's best interest to withdraw the LCP amendment application in order to allow the City to rescind the originally adopted VDU ordinance and adopt a new VDU ordinance that incorporates the negotiated changes and transmit a new application for an LCP amendment; and

WHEREAS, the City Council withdrew the amendment on June 4, 2014 by way of Resolution 2014-06; and

WHEREAS, the City Council adopted the revised ordinance, attached hereto as Exhibit A, at a duly noticed public hearing on October 8, 2014; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad, that City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

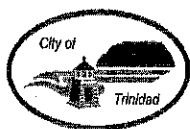
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Trinidad on Wednesday, October 08, 2014 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Resolution 2014-17; Designating the City Manager and City Clerk as representatives to the PARSAC Board of Directors on behalf of the City.

CONSENT AGENDA ITEM

Wednesday, November 12, 2014

Item: Resolution 2014-17; Designating the City Manager and City Clerk as representatives to the PARSAC Board of Directors on behalf of the City.

Background: The City of Trinidad is a party to the Joint Powers Agreement creating the Public Risk Sharing Authority of California (PARSAC), a group of small cities that pool their resources for insurance coverage. Each member agency is required to appoint representatives to act on its behalf for all matters which come before the board. By resolution, the each city is required to identify and appoint a Board Director and Alternate.

The City has traditionally appointed the City Manager and Clerk as representatives to PARSAC. The attached Resolution will formalize this process by appointing the representatives by title, rather than name, so that future staff changes will not require resolution updates.

Recommended Action: *Approve and adopt Resolution 2014-17, designating the City Manager and City Clerk as representatives to the PARSAC Board of Directors on behalf of the City.*

Attachments: Resolution 2014-17.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



RESOLUTION NO. 2014-17

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD TO APPOINT A
REPRESENTATIVE TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF
CALIFORNIA [PARSAC] BOARD OF DIRECTORS.**

WHEREAS, the City of Trinidad is a party to the Revised and Restated Joint Powers Agreement creating the Public Agency Risk Sharing Authority of California, dated May 26, 2011 (the "Joint Powers Agreement") and, as such, is a Member Agency of the Public Agency Risk Sharing Authority of California ("PARSAC"), as that term is defined in the Joint Powers Agreement; and

WHEREAS, pursuant to the Joint Powers Agreement, each Member Agency of PARSAC is required to appoint representatives of the City/Town to act on its behalf as if the City/Town itself were present and acting on the PARSAC Board of Directors for all matters which come before such Board of Directors, and also for the Director to be eligible for serving on the PARSAC Executive Committee; and

WHEREAS the Bylaws of PARSAC further require the City/Town appoint its representatives by resolution identifying a Board Director and an Alternate Director to act in the Director's absence, which may be employees, elected officials, or a combination of both.

NOW, THEREFORE, BE IT RESOLVED by the City/Town Council of the City of Trinidad hereby appoints the **City Manager** to serve as its Director on the PARSAC Board of Directors to act on behalf of the City; and appoints the **City Clerk** to serve as Alternate Director in the absence of the Director.

BE IT FURTHER RESOLVED, that the City Manager, or a designee, be instructed to inform the Secretary of PARSAC of the above appointment by sending a certified copy of this Resolution to PARSAC's business office.

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 12th Day of November, 2014.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

6. Updated Citizen Complaint Form

CONSENT AGENDA ITEM

Wednesday, November 12, 2014

Item: Updated Citizen Complaint Form.

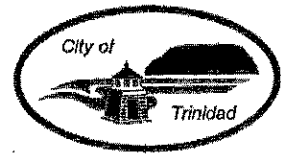
Background: At the August 13, 2014 Regular Meeting, the City Council agreed to appoint Councilmember Davies and Baker to serve on a subcommittee to review and update the process and procedure for collection and organization of citizen complaints.

A new complaint form has been developed, and a renewed filing system established in the Clerk's office for this process. Attached is the new draft form, incorporating comments and concerns addressed at the August 13 meeting.

Recommended Action: *Approve and adopt the November 2014 updated Citizen Complaint Form.*

Attachments: Citizen Complaint Form – November 2014

CITY OF TRINIDAD
P.O. BOX 390
TRINIDAD, CA 95570



CITIZEN COMPLAINT FORM

DATE:

TIME:

SUBJECT OF COMPLAINT:

DETAILS OF COMPLAINT:

*** OPTIONAL INFORMATION ***

NAME:

TELEPHONE:

ADDRESS:

EMAIL:

SIGNATURE:

REPLY REQUESTED : YES NO

NOTE: INFORMATION CONTAINED IN THIS FORM MAY BE SUBJECT TO REVIEW THROUGH THE PUBLIC RECORDS ACT

*** OFFICIAL USE ONLY ***

DATE & TIME COMPLAINT RECEIVED:

COMPLAINT #

COMPLAINT RECEIVED BY:

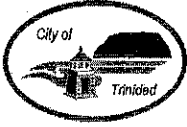
IN PERSON

MAIL

EMAIL

TELEPHONE

ACTION TAKEN:



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

1. Discussion/Decision Regarding Resolution 2014-16; Support for the Little River Trail

AGENDA ITEM

Date: November 12th 2014

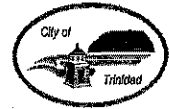
Item: Resolution supporting Little River Trail

Summary: Completion of this trail will significantly improve non-motorized transportation in our region by connecting Westhaven and Trinidad to the excellent Hammond Trail system without having to cross the Little River on the Highway 101 bridge.

Staff Recommendation: Receive presentation from Redwood Community Action Agency and pass the proposed resolution indicating the City's support for completion of this Trail segment.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2014-16

SUPPORT FOR THE LITTLE RIVER TRAIL AND INCLUSION IN THE CITY OF TRINIDAD'S REGIONAL NON-MOTORIZED TRANSPORTATION PLAN

WHEREAS: The completion of California Coastal Trail from the Mexico border to the Oregon border has been identified by the California Coastal Commission as a high priority project;

WHEREAS: A major gap in the California Coastal Trail exists between Clam Beach Drive and Scenic Drive with Highway 101 being the only option for non-motorized users, a freeway with high speed traffic creating unsafe conditions for bicyclists, pedestrians, and other non-motorized users;

WHEREAS: A feasibility study for extending the California Coastal Trail from Clam Beach Drive to Scenic Drive has been prepared by the Redwood Community Action Agency and has identified an alignment for the Little River Trail section of the California Coastal Trail;

WHEREAS: The State Coastal Conservancy supports providing a grant to move the trail closer to completion by conducting CEQA analysis and developing designs to the 75% level for the trail and 65% for the bridge design;

WHEREAS: The completion of the Little River Trail has widespread community support as well as support from project partners including Caltrans, California State Parks, Green Diamond Resource Company, the State Coastal Conservancy, the Trinidad Coastal Land Trust, and the McKinleyville Land Trust;

WHEREAS: The completion of the Little River Trail will provide recreational and non-motorized transportation opportunities for citizens of Trinidad and the greater Trinidad area, as well as for visitors from around the United States and the world;

THEREFORE IT BE RESOLVED, that the City of Trinidad hereby declares its support for the Little River Trail and directs the City's representative on the Humboldt County Association of Governments (HCAOG) to advocate for the Little River Trail and request that HCAOG make the Little River Trail a priority in its regional non-motorized transportation plan

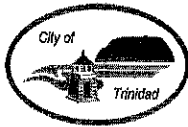
PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 12th Day of November, 2014.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Presentation/Discussion regarding Greenhouse Gas Inventory Report from Redwood Coast Energy Authority.

DISCUSSION AGENDA ITEM

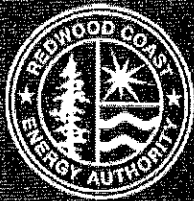
Wednesday, November 12, 2014

Item: Presentation/Discussion regarding Greenhouse Gas Inventory Report from Redwood Coast Energy Authority

Background: RCEA has been contracted to provide the city of Trinidad with a Greenhouse Gas Inventory starting from the year 2005. The inventory is designed to help the city address areas where emissions can be reduced, and will educate the community about ways to reduce the city's carbon footprint. Energy Specialist Jerome Carman from RCEA will attend and present the report.

Recommended Action: *Receive and file the report, and take whatever recommended "next steps" may be suggested by RCEA staff.*

Attachments: Executive Summary from Greenhouse Gas Inventory Report.



REDWOOD COAST
Energy Authority

Humboldt County • Arcata • Trinidad • Blue Lake • Ferndale • Eureka • Rio Dell • Fortuna • Humboldt Bay Municipal Water District

City of Trinidad

2005 Community Greenhouse Gas Emissions Inventory

5/28/2014

Prepared for
City of Trinidad



City of
Trinidad

In Collaboration With
Pacific Gas and Electric Corporation



and

ICLEI - Local Governments for Sustainability



Striving to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region.

www.redwoodenergy.org
633 3rd Street – Trinidad, CA 95501
707.269.1700 (local) – 800.931.RCEA (toll-free) – 707.269.1777 (fax)

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Credits and Acknowledgments

City of Trinidad

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk
Dwight Miller, Vice-Mayor
Bryan Buckman, Trinidad Water Resources

California Department of Conservation

The California Department of Conservation Strategic Growth Council grant was applied for and secured by Streamline Planning for the City of Blue Lake. A portion of this funding supported the development of the spreadsheet tool used to conduct the greenhouse gas inventories for the rest of Humboldt County.

California Department of Conservation - Division of Land Resource Protection

The work upon which this publication is based was funded in part through a grant awarded by the Strategic Growth Council: Grant Number 3012-552.

Disclaimer

The statements and conclusions of this report are those of the Grantee and/or Subcontractor and not necessarily those of the Strategic Growth Council or of the Department of Conservation, or its employees. The Strategic Growth Council and the Department of Conservation make no warranties, express or implied, and assume no liability for the information contained in the succeeding text.

Redwood Coast Energy Authority

Matthew Marshall, Executive Director
Jerome Carman, Program Assistant
Leabeth Peterson, Intern

ICLEI - Local Governments for Sustainability USA

J.R. Killigrew, Program Officer

Thank you to ICLEI for the tools, specifically the Community Protocol, and support provided to help facilitate and streamline the inventory process.

Pacific Gas & Electric

Pacific Gas and Electric Company provides comprehensive climate planning assistance to local governments, from providing energy usage data and assistance with greenhouse gas inventories, to training and guidance on climate action plans.

Part of the effort towards the completion of this inventory was funded by California utility customers and administered by PG&E under the auspices of the California Public Utilities Commission.

Executive Summary

This community emissions inventory is the first step towards planning for climate change by providing information to inform policy decisions and a baseline from which to assess the success of future actions. This inventory informs the climate action plan that the City is currently developing.

This community emissions inventory can be used to establish local government initiatives that help the City move towards a more sustainable and resilient community. Tracking of carbon dioxide emissions is considered to be an effective method of measuring the success of the City's climate action initiatives. Future inventories can be compared with this baseline inventory as one metric of the effectiveness of government initiatives and community action.

There are numerous gases emitted by human activity that have a significant environmental impact. In accordance with version 1.0 of the Community Greenhouse Gas Inventory Protocol drafted by the International Council on Local Environmental Initiatives (ICLEI), three primary greenhouse gases are considered for this inventory: carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). There are three other primary greenhouse gases also addressed by the Protocol but are not applicable to the City of Trinidad as they are associated only with large industrial processes. Furthermore, in addition to these three primary gases, there are a small handful of refrigerants that are also tracked by this inventory.

These greenhouse gases all vary in their impact on global warming, otherwise known as their global warming potential (GWP). This GWP has to do with how well these gases absorb and emit heat. The result is that emission of one gas will have a different impact on global warming compared with another gas.

Because of this, all emissions of greenhouse gases are presented as a comparable amount of CO₂, called equivalent CO₂ (CO₂e). This is analogous to possessing different forms of currency and converting the value of all currencies to dollars in order to determine the total value. This means that while there are multiple greenhouse gases tracked in this inventory, all are converted to CO₂e for direct comparison.

All CO₂e emissions are presented as originating either from a source or an activity. Source emissions are those that occur within the jurisdictional boundaries of the City of Trinidad. Activity emissions are those associated with actions by Trinidad residents and businesses such as the use of electricity or the creation of solid waste. It is useful to make this distinction in order to facilitate meaningful and effective government initiatives and community action.

In addition, emissions are presented in two frameworks: emissions sources and activities that are within significant influence of City government, citizens, and businesses, and those sources and activities that are outside significant influence, referred to as upstream emissions. The first framework highlights those activities and sources that the City of Trinidad can have a direct impact on. For example, switching from a gasoline car to an electric car directly impacts the local emissions associated with the transportation sector.

Upstream emissions are considered outside the significant influence of the City since the City has no control over the methods of resource extraction, processing, and shipment. Upstream emissions are included to provide additional information regarding the more global impact of the consumption associated with the activities of citizens and businesses. This means that while a reduction in

consumption of energy and fuel will reduce the emissions locally that are officially "assigned" to the City of Trinidad, there will also be an additional and significant change in upstream emissions that do not occur locally and so are not officially assigned to the City.

The results of this inventory are shown in Figure 1 and Figure 2, and summarized in Table 1 and Table 2 below. Results suggest that future climate action initiatives focus primarily on the reduction of fossil fuel use associated both with transportation and with cooking and heating. The next two primary emissions sectors are associated with electricity consumption and the generation of solid waste.

Table 1: Summary of emissions sources and activities that are within significant local influence.

Local Emissions	Quantity of Emissions (Metric Tons of CO ₂ e)
Activity: Electricity Consumption	822
Source: Stationary Combustion of Fuels	323
Source: Mobile Combustion	5,896
Activity: Solid Waste Generation	221
Source: Wastewater Treatment	23
Source: Leaked Refrigerants	16
Source: Industrial Point Sources	0
TOTAL	7,301

Table 2: Summary of upstream emissions that occur outside of Trinidad as a result of the consumption of these resources within Trinidad.

Upstream Emissions	Quantity of Emissions (Metric Tons of CO ₂ e)
Activity: Upstream Natural Gas Emissions	0
Activity: Upstream Gasoline Emissions	1,462
Activity: Upstream Electricity Emissions	235
Activity: Upstream Diesel Emissions	176
Activity: Upstream Propane Emissions	66
TOTAL	1,940

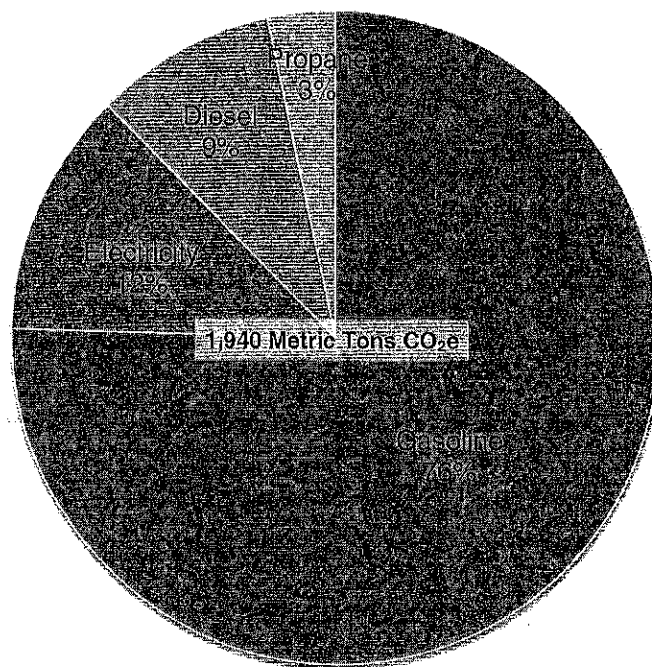
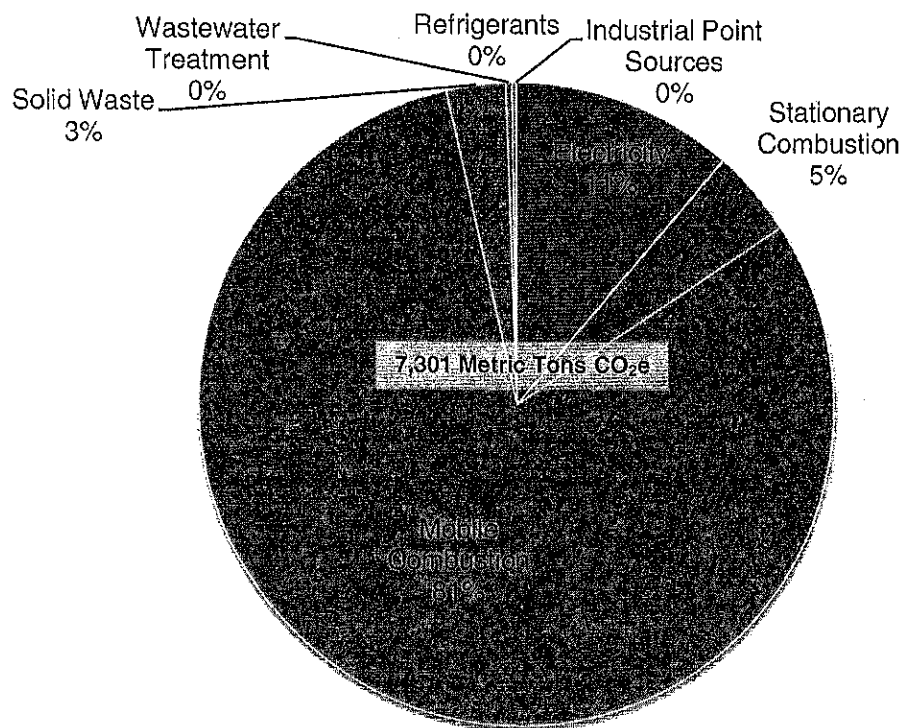


Figure 1: Summary of emissions sources and activities that are within (above) and outside (below) significant local government influence.

The combined result of all emissions from sources and activities both within and outside significant government influence is shown in Figure 2. The overall story conveyed by these results shows that upstream emissions add roughly 21% to those emissions that are within local influence. Furthermore, while local jurisdictions do not have control over the processes that contribute to upstream emissions, they can be reduced directly through a reduction in local consumption.

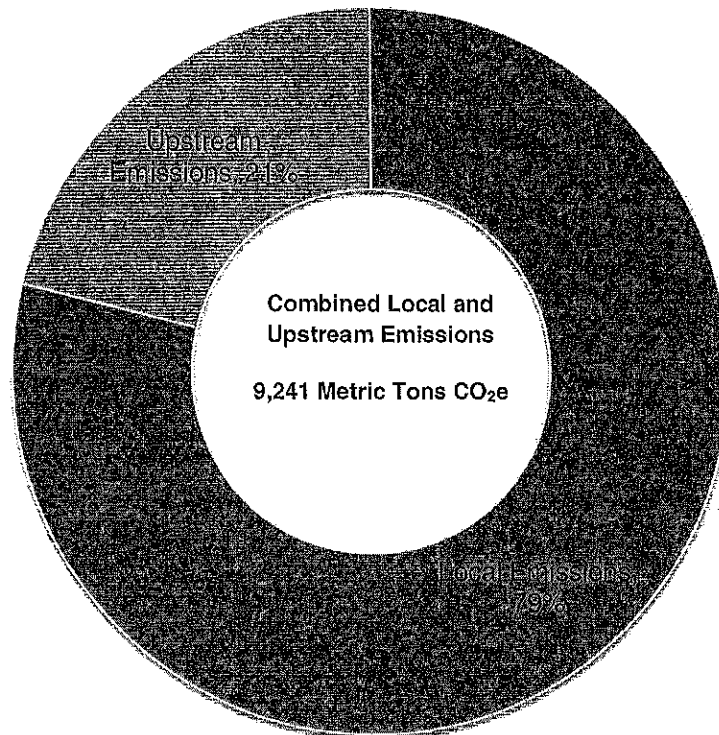
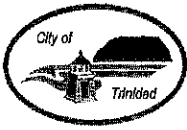


Figure 2: Combined emissions for all sectors both within significant government influence and outside significant government influence. Both direct and upstream emissions are included.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES

3. Discussion/Decision Regarding Potential 'Fly Humboldt' Pledge

AGENDA ITEM

Date: November 12th 2014

Item: Fly Humboldt Pledge

Summary: The Redwood Region Economic Development Commission and other partners are working to raise a 'minimum revenue guarantee' fund to help bring another airline carrier to our local airport. The City provided \$1,000 towards this effort in 2012. The 'Fly Humboldt' coalition has now raised \$875,000 towards their goal of \$1,000,000. The funds are used as incentive to overcome the financial risks that a new carrier faces in our small market by guaranteeing some minimum

We have seen in the past that having multiple carriers greatly reduces costs and increases destinations available for direct flights. This would benefit local travelers as well as make it easier for tourists and visitors to fly in.

Staff Recommendation: Pledge \$1,000 towards the Fly Humboldt campaign, with the funds to be provided when the full funding goal is reached and agreement with a new carrier is completed.

Fly Humboldt!

More Flights/More Destinations

Supporting increased air-service in and out of Humboldt County...

How this works: A minimum revenue guarantee is money a community commits to an airline up front in return for the airline bringing in new routes and flights. Generally, the guarantee is based on the revenue an airline must earn to make the route(s) viable. If the airline meets its revenue goal the money is not used. 100% of the money donated goes to the revenue guarantee.



SUPPORTS OUR LOCAL ECONOMY

by allowing people to fly in and out of our region



PROVIDES DEPENDABILITY

no more sleepovers at far away airports



LOWERS TICKET PRICES

so you'll have more money in your pocket



RETAINS IMPORTANT SKILLS

keeps key individuals, such as medical professionals, in our community



KEEPS BUSINESSES LOCAL

by connecting us to the outside world



ADDS HUNDREDS OF CONNECTIONS

by adding another major hub through another major airport



INCREASES TOURISM

to our beautiful backyard,
the Heart of the Redwoods

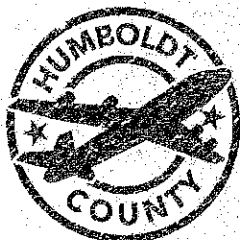


IMPROVES QUALITY OF LIFE

so you'll have more time on your hands to
do the things you love

\$875,000

is already secured
to obtain new service



HELP RAISE THE REST
\$125,000

Be Part of the Solution:

You Can Help:

Mail a check payable to:

Humboldt Area Foundation

373 Indianola Road, Bayside, CA, 95524

Please add Fly Humboldt Fund in the memo line.

Donate on our website: flyhumboldt.org

Email us: info@flyhumboldt.org



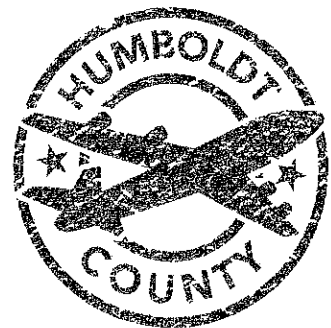
Redwood Region Economic Development Commission



HUMBOLDT COUNTY
Headwaters Fund

✈ More Destinations

More Flights



Fly Humboldt!
More Flights/More Destinations

Fly Humboldt!
More Flights/More Destinations

FOLD UNDER

FOLD UNDER

FOLD UNDER

FOLD UNDER

FOLD DOWN

FOLD DOWN

FOLD DOWN

FOLD DOWN

FOLD CENTER UP FIRST

BOARDING PASS

Donation Card — Air Service Development Fund

I pledge to contribute \$ _____

Name _____

Business _____

Address _____

Phone _____

Email _____

Please make checks payable to **Humboldt Area Foundation** and add
Fly Humboldt Fund in the memo line. Mail to: **Humboldt Area Foundation,**
373 Indianola Rd., Bayside, CA 95524.

Or donate online at www.hafoundation.org. Specify the **Fly Humboldt Fund**.

\$875,000

is already secured to
obtain new service

HELP RAISE THE REST

\$125,000

www.flyhumboldt.org

info@flyhumboldt.org

BOARDING PASS

Whether we fly for business or pleasure or necessity, Humboldt County is ready to improve air service.

Over 1,500 Humboldt County citizens have joined **Fly Humboldt** to lower the cost of airline tickets and create more reliable air service to more destinations. Improved air service will strengthen our local businesses and local tourism by better connecting us to the outside world.

Fly Humboldt is working to make sure a flight is there for you when you need it. But best of all, **Fly Humboldt** is working to make flights to and from Humboldt County affordable, which means more money in your pocket and more time to do the things you love.

Learn more, donate and help our entire community at

www.flyhumboldt.org

In a recent survey,

a majority of

Humboldt residents
said affordable and
reliable air service
is very important.

Fly Humboldt!

BOARDING PASS

**By stepping up as a community,
we can make the difference.**

- We can boost our local economy.
- We can help each other be more connected to our families.
- We can travel for business, but still live in this remote and beautiful place we call home.
- We can increase tourism to our beautiful backyard, the Heart of the Redwoods.
- We can stay connected to the world, and bring the world to us.

Fly Humboldt!
More Flights/More Destinations

Questions?

Email us at info@flyhumboldt.org

BOARDING PASS

Dear **Fly Humboldt** Supporter,

We all love living "behind the Redwood Curtain." It's one of the reasons we're here. But, the fact is, we also love to come and go and we like others to come and go too. Right now we don't have many options for that. With only one major hub providing service, tickets are expensive and provide few destinations.

All of that is about to change!

Because of the high demand of people wanting to fly in and out of Humboldt, **Fly Humboldt** is close to providing a minimum revenue guarantee to an additional major hub to add Humboldt as a route.

How this works: A minimum revenue guarantee is money a community commits to an airline up front in return for the airline bringing in new routes and flights. The guarantee is based on the revenue an airline must earn to make the route(s) viable, and makes up any difference.

100% of the money donated goes to the revenue guarantee.

Be Part of the Solution!

Visit flyhumboldt.org and donate today!

Thank you,

Fly Humboldt!
More Flights/More Destinations



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

4. Report on November Election Results and Councilmember/Mayor Appointment Process.

DISCUSSION AGENDA ITEM

Wednesday, November 12, 2014

Item: November Election Results and Councilmember and Mayor Appointment Process

Election Results: The Tuesday, November 04 Election the city ballot included (3) Councilmember positions. The only name that appeared on the ballot was incumbent Jim Baker. There was one qualified write-in candidate, incumbent Dwight Miller. Although there was a second write-in space, there was no qualified write-in candidate for the third position.

The County has not certified the election results yet, but assuming Councilmember Miller received at least one write-in vote, and Councilmember Baker received at least one ballot vote, then their new terms will be approved. ***There will, however, be one vacant seat remaining. The Council may fill that seat by appointment as soon as they find a qualified candidate, who must reside inside city limits and be a registered voter.***

Here is a list of current Councilmember seats and term limits (assuming Miller and Baker have been voted in when the election is certified):

Tom Davies:	<i>Term expires December 31, 2014</i>
Julie Fulkerson:	Term expires December 31, 2016
Jack West:	Term expires December 31, 2016
Dwight Miller:	Term expires December 31, 2018
Jim Baker:	Term expires December 31, 2018
Future Appointment:	Term expires December 31, 2018

Upcoming Schedule:

- Councilmember Davies last meeting: Wednesday, December 10.
- Final election results announced: Wednesday, December 10.
- Mayor Selection process: Wednesday, January 14.

Mayor Selection Process:

City ordinance 2.06.010 states that "As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem..."

Recommended Action: No action required.

Attachments: Ordinance 2.06.010, Office of Mayor

(6 hits)

**Chapter 2.06
MAYOR****Sections:**

2.06.010 Office of mayor.

2.06.010 Office of mayor.

As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote and select one of their own to serve as mayor, and one to serve as mayor pro tem.

The persons so elected shall serve until the next regularly scheduled council election, or until removed by a majority vote of the council. [Ord. 97-1 § 1, 1997].

**The Trinidad Municipal Code is current through Ordinance
2011-02, passed July 13, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Trinidad Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

5. Report on Planning Commissioner Vacancy Announcement and Public Notice

DISCUSSION AGENDA ITEM

Wednesday, November 12, 2014

Item: Planning Commissioner Vacancy Announcement and Public Notice

Background: Planning Commissioner terms fall under the same odd-year timeline as City Councilmember terms. In December (3) Commissioners terms will expire. It is up to the City Council to appoint or reappoint qualified candidates, who serve at the pleasure of the Council. The process and commissioner qualifications are described in city ordinance 2.20, Planning Commission (attached).

Here is a list of current Planning Commissioner seats and term limits:

Richard Johnson:	Term expires December 31, 2014
Chuck Vanderpool:	Term expires December 31, 2014
Diane Stockness:	Term expires December 31, 2014
Mike Pinske:	Term expires December 31, 2016
Gale Becker:	Term expires December 31, 2016

Suggested Vacancy Posting Schedule: Staff recommends posting the attached Vacancy Notice immediately, and suggests a filing deadline of Wednesday, December 03. This would provide enough time to include letters of interest in the December meeting packet for Council discussion and appointments. In the event there are no inquiries, the deadline may be extended further.

Note: *In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

Recommended Action: Receive and file the report.

Attachments:

- Ordinance 2.20, Planning Commission
- PC Vacancy Posting November 12, 2014

(25 hits)

Chapter 2.20 PLANNING COMMISSION

Sections:

- 2.20.010 Number of members.
- 2.20.020 Ex officio members.
- 2.20.030 Term of office.
- 2.20.040 Members – Appointment.
- 2.20.050 Vacancies.
- 2.20.060 Removal from office.
- 2.20.070 Election of chair and vice chair.
- 2.20.080 State provisions adopted.
- 2.20.090 Qualifications of planning commission members.

2.20.010 Number of members.

The city planning commission shall consist of five members. [Ord. 122A § 1, 1958].

2.20.020 Ex officio members.

The mayor of the city and the city attorney shall be ex officio members of the city planning commission, but shall not have a vote. [Ord. 122A § 2, 1958].

2.20.030 Term of office.

The term of office of the members of the commission shall be four years, except for the first members of the commission pursuant to the provisions of the ordinance codified in this chapter. [Ord. 122A § 3, 1958].

2.20.040 Members – Appointment.

The members of the commission shall be appointed by the mayor with the approval of the city council. [Ord. 122A § 4, 1958].

2.20.050 Vacancies.

Vacancies shall be filled by appointment for the unexpired portion of the term. [Ord. 122A § 6, 1958].

2.20.060 Removal from office.

Any appointee of the commission may be removed by any of the following:

- A. The mayor subject to approval by the city council;
- B. The majority vote of the city council. [Ord. 122A § 7, 1958].

2.20.070 Election of chair and vice chair.

The commission shall elect its chair and vice chair from among the appointed members of the commission.

The chair of the planning commission shall be elected to a two-year term, on a rotating basis, so that no individual may serve a second term as chair as long as there are others on the commission who have not so served. [Ord. 96-1 § 1, 1995; Ord. 122A § 8, 1958].

2.20.080 State provisions adopted.

The provisions of Government Code of California Title 7, Chapter 3, as amended, are adopted and its statutes are adopted as a whole insofar as they may apply to the terms of office, powers and duties and methods of removal of the members of the planning commission. [Ord. 122A § 9, 1958].

2.20.090 Qualifications of planning commission members.

Except as provided hereinafter, no person may serve on the Trinidad planning commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the city limits of the city of Trinidad.

However, in the event there are no acceptable applicants from within the city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon. [Ord. 2011-01 § 1, 2011; Ord. 2007-03 § 1, 2007; Ord. 94-2 § 1, 1994].

The Trinidad Municipal Code is current through Ordinance 2011-02, passed July 13, 2012.

Disclaimer: The City Clerk's Office has the official version of the Trinidad Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

CITY OF TRINIDAD
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julle Fulkerson, Mayor
Gabriel Adams, City Clerk



Wednesday, November 12, 2014

PUBLIC ANNOUNCEMENT OF VACANCY ON THE
TRINIDAD PLANNING COMMISSION

THE CITY OF TRINIDAD IS CURRENTLY SEEKING INDIVIDUALS TO FILL
(3) VACANCIES ON THE TRINIDAD PLANNING COMMISSION.

TERM: **Through DECEMBER 2018**

SEND A LETTER OF INTEREST, INCLUDING QUALIFICATIONS, TO THE
CITY CLERK AT:

*CITY OF TRINIDAD
P.O. BOX 390
TRINIDAD, CA 95570*

OR YOU MAY DELIVER THE LETTER IN PERSON TO:

*TRINIDAD CITY HALL
409 TRINITY STREET
TRINIDAD, CA*

OR YOU MAY EMAIL IT TO:

CITYCLERK@TRINIDAD.CA.GOV

**THE DEADLINE FOR FILING IS 2:00 PM, WEDNESDAY, DECEMBER 03,
2014.**

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CALL 677-0223.

Gabriel Adams - Trinidad City Clerk



DISCUSSION AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 32 PAGES

6. Discussion Regarding Wagner Street Trail

AGENDA ITEM

Date: November 12th 2014

Item: Wagner Street Trail Update and Policy Review

Summary: The Wagner Street Trail has been a longstanding source of conflict in Trinidad. Concerns are being raised to the City about whether the parties to the 2005 Settlement Agreement regarding the Wagner Street Trail are honoring that agreement. In response, the City is reviewing the legal history and the situation on the ground. The City is also participating in discussions with the parties to the settlement to evaluate whether there are issues with compliance that need to be resolved, and if so, how best to achieve that resolution.

Due to the current and active threat of litigation related to this issue, the City will be keeping the details of this review and discussions confidential for the time being. Therefore the City may not be able to answer or respond to all the questions and comments raised by the public at this time. Even so, the City is listening and the public's comments are an important part of our review of settlement compliance.

Background: One of the secondary trails to Old Home Beach is the Wagner Street Trail. This trail does not go directly to the beach, but provides a connection from the intersection of Ocean St. and Wagner St., to approximately the mid-point of the Parker Creek Trail. Once at the Parker Creek Trail, users can proceed to the beach or go back up the Parker Creek Trail to town. The Wagner Street Trail is largely on City owned property, but to get from Wagner Street to the bluff top portion of the trail, there is a short public access easement across private property. The public access easement lies between the first and second house on the right along Wagner Street. The easement is held by the Trinidad Coastal Land Trust for the purpose of public access. The remainder of the trail is either on a City owned portion of Wagner St., or on the 12.6 acre Tsurai Study Area property which encompasses much of the south facing hillside above Old Home Beach.

There has been a long history of conflict regarding the use and location of this trail, with multiple lawsuits and significant costs to the City and State as well as the private parties involved. The most recent legal effort to resolve these conflicts is a 2005 Settlement Agreement, signed by the City, the Coastal Conservancy, the Coastal Commission, the State Attorney General, and the neighboring landowner.

In 2008 the City produced a 'Wagner Street Policy' memorandum (attached), which is largely an effort to translate the key points of the 2005 Settlement into more readable language. It speaks to responsibilities for vegetation maintenance on various trail sections, and highlights the distinctions between the city owned and privately owned portions of the trail.

Unfortunately there have continued to be conflicts over the trail since the 2005 Settlement Agreement. The City has received many complaints from trail users, and the Sheriff's Office has been called on a number of occasions related to interactions about

this trail. Many of these concerns are listed in a recent (October 2014) letter to the City from two Trinidad citizens. The letter questions whether all parties are in compliance with the 2005 Settlement Agreement, and asks the City to act to ensure that the Settlement Agreement is followed.

In signing the 2005 Settlement Agreement, each party committed to honor that agreement. However like many settlements, this agreement is clear on some issues and ambiguous on others, so that evaluating whether a particular issue or party is in or out of compliance is not necessarily simple. Where the parties involved may disagree on the interpretation of the Settlement, achieving a resolution may require legal action and the assistance of the court, which can be an expensive and risky proposition.

City staff has been reviewing the settlement agreement and related legal documents, along with voluminous files on this topic. At the same time, staff has been participating in discussions with the citizens who submitted the October letter, with the neighboring property owner, and with the Coastal Commission and Coastal Conservancy. In the course of these discussions, there has been a clear potential for litigation related to the trail, therefore the City has begun discussing the item in Closed Session, as allowed under the Brown Act.

The City is in discussions with the parties to the settlement to review whether there are issues with compliance that need to be resolved, and if so, how best to achieve compliance. That review has not been completed, and the discussions are ongoing.

Due to the current and active threat of litigation related to this issue, the City will be keeping the details of this review and discussions confidential for the time being. Therefore the City may not be able to answer or respond to all the questions and comments raised by the public at this time. However we are listening to your comments, and they are an important part of our review of settlement compliance.

Staff Recommendation: Discuss 2008 Policy Memo. Receive Public Comment. Avoid getting into closed session details.

CITY OF TRINIDAD

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Steve Albright, City Manager



Date: November 12, 2008

To: City Council Members, City Staff, and Trinidad Residents

From: Steve Albright, City Manager

Subject: ***City Policy on Maintenance of Wagner Street Trail***

For many years the public's use of the Wagner Street Trail (aka Old Wagon Road Trail) has been a contentious issue in the City of Trinidad. There are settlements from two separate lawsuits involving the City of Trinidad and the owner of the property on which a portion of the Trail exists. The terms of these settlements lie largely in two areas: They (1) confirmed the public's right to access the Wagner Street Trail, and (2) provided agreed-upon restrictions regarding the public's use of the Trail. (These agreements were entered into and approved by the court in 1994 and 2005. The latter one explicitly recognizes the former.)

This memo is intended to notify all interested parties as to the City administration's plan for fulfilling those portions of the Wagner Street Trail lawsuit settlement agreements and related obligations for which the City is responsible.

I. Trinidad's Beach Access Trails

There are Three Trails in All

There are two trails which provide the public access across City-owned property all the way to the beach on Trinidad Bay (called "Indian Beach" or "Old Home Beach"). One is the "Parker Creek Trail." The other is the "Axel Lindgren Memorial Trail," lying to the west of Parker Creek Trail.

There is a third trail, which connects to Parker Creek Trail--the "Wagner Street Trail." While the Wagner Street Trail provides connectivity to the beach, it does not extend all the way to the beach.

Coastal Conservancy Public Access to Indian Beach

The California Coastal Conservancy holds a general "open space easement" for the right of public access on the entire City-owned property where all three of these trails are located.

II. The Wagner Street Trail Lies in Two Ownerships

The Portion Not Owned or Controlled by the City Is An Easement

The west end of the Wagner Street Trail begins on Wagner Street in Trinidad; it starts approximately 148 feet east of the east line of Ocean Avenue, and runs towards Trinidad Bay. Along this length the Trail runs between the privately-owned residential properties at 427 Wagner Street and 475 Wagner Street, extending south approximately 93 feet along a 15 foot-wide strip of the 475 Wagner Street property until it meets City-owned property.

The easement portion of the Wagner Street Trail has its origin in a dedication of this 15-foot wide strip in 1981 when the property now known as 475 Wagner Street was owned by Carl and Lois Replogle. The easement's "General Intent" was stated as: "It is the purpose of this easement to formalize the public's right to pedestrian access to this land insofar as this access is consonant with good stewardship of our scenic natural resources. The purpose of this conservation easement is to prevent the loss of scenic beauty and natural state of this land."

This portion of the Trail consists of a "Conservation and Access Easement" across the privately-owned 475 Wagner Street property. This easement is held by the Humboldt North Coast Land Trust. The easement document itself states that it is "for conservation and limited public access. Public access will be limited to orderly pedestrian traffic along a foot trail over the easement, and for no other purpose whatever."

NOTE CAREFULLY: THE CITY OF TRINIDAD HAS ABSOLUTELY NO LEGAL AUTHORITY OR CONTROL OVER THIS PRIVATELY-OWNED PORTION OF THE WAGNER STREET TRAIL.

The Portion Which Is Owned and Controlled by the City

The easement portion of the Wagner Street Trail ends where the City's property begins. Here the Trail takes a left turn and runs roughly parallel to the blufftop on City property. The Trail extends east approximately 450 feet later where it intersects with the Parker Creek Trail, also on City-owned property. The Wagner Street Trail ends there.

III. City Responsibilities

Under the lawsuit settlement agreements, several items are the direct responsibility of the City of Trinidad. These responsibilities relate to City authority (local laws or police powers), or they relate to maintenance **ONLY** for those portions of the trail which are owned by the City of Trinidad.

1. Ordinances (laws).

The City has the right and the responsibility to enact laws--called city ordinances--to protect the health, safety and welfare of its citizens. In this case, the City amended its

municipal codes in June, 2008, by adopting Ordinance 2008-02. That Ordinance revised Chapter 12.20 of the Trinidad Municipal Code. In conformance with the terms of the settlement agreements the City's Code now clearly states:

- The Wagner Street Trail is to be used during daylight hours only;
- The presence of dogs and other animals is prohibited;
- The use of wheeled vehicles is prohibited; and
- The public has the right to the "use and quiet enjoyment" of the Wagner Street Trail.

The prohibitions listed above do NOT pertain to the use of the trail by handicapped persons. Even though this is not a handicapped-accessible trail, the presence of service animals, wheel chairs, or other devices to assist handicapped persons are not prohibited.

2. Enforcement.

The City of Trinidad is responsible for enforcing its ordinances. Since violation of this section of the code is either an infraction or a misdemeanor offense, the Trinidad Police Department will issue citations to persons who violate the ordinances.

3. Signs.

The lawsuit settlement agreement stipulated that the City would provide "equal signage" to the three trails that provide public access to Indian Beach. The City's Planning Commission approved the location of signs, and signs are now being installed. For the Wagner Street Trail, signs at two location identify the restrictions as identified above, and those signs reference the municipal code that is applicable to the trail restrictions.

4. Designation.

The Wagner Street Trail is to be designated as a trail to Indian Beach.

5. Maintenance.

Explicit details were included in the lawsuit settlement agreement signed in 2005 both for the City's maintenance of its part of the trail and the maintenance of the easement of the private property.

Maintenance of the privately-owned (easement) portion of the trail is the responsibility of the property owner and/or the North Coast Land Trust; the City of Trinidad has no authority over the privately-owned easement portion of the trail.

The settlement agreement states the following:

- The City will maintain its part of the trail at "no more than 3 feet wide";

- Grass or other vegetation on the trail will be mowed by the City “to approximately three or six inches (3” or 6”) and that mowing will only occur on the three-foot wide footpath of the trail”;
- Whenever the City performs vegetation maintenance on the south side of the trail (ocean side) it shall cut vegetation which is intended to be permanent (versus annual) “at heights of not less than three feet nor more than six feet”; and
- Vegetation on the north side of the trail will be trimmed to keep “encroaching vegetation (from) growing over or onto the trail” from the adjacent privately-owned properties. When encroachment begins in that area, “the City may trim the vegetation back to the south side of the fence” that identifies the privately-owned properties.

IV. Private Party Responsibilities

As to the privately-owned easement portion of the trail, the settlement agreement states that the property owner agreed:

- “that he will accept a four-foot wide footpath unimpeded by vegetation on his property adjacent to the Trail over which the Humboldt North Coast Land Trust holds a pedestrian access easement in order to facilitate public access to the Trail.”

V. City’s Maintenance Schedule

It is the City administration’s intent to establish a maintenance schedule for the City-owned portion of the Wagner Street Trail. This schedule will be needed especially between April and September when vegetation growth is the greatest and the trail is most used. Due to the limited number of maintenance staff and limited budget of the City, the City cannot be in a position of responding every time any person asks that some trimming or mowing is needed. City staff is not and will not be responsible for the maintenance of the privately-owned easement, and residents may not on their own volition assume the responsibilities of maintenance along the Wagner Street Trail on the City-owned property.

MUTUAL SETTLEMENT AGREEMENT AND RELEASE

This Mutual Settlement Agreement and Release is made and entered into between John Frame ("Frame") on behalf of himself and his heirs, executors, trustee(s), administrators and assigns, the City of Trinidad ("City"), by and through its authorized representative pursuant to City of Trinidad Resolution No. 2005-09, the California Coastal Commission ("Commission") and the California State Coastal Conservancy ("Conservancy"). Frame, City, Commission and Conservancy are sometimes referred to in this agreement as the "Parties." In consideration of the exchange of promises made in this agreement, the Parties agree as follows:

RECITALS

WHEREAS, the City owns an approximate 12.6 acre parcel of property on the bluffs adjacent to the Pacific Ocean within the City's corporate boundaries ("City property"). The Conservancy holds an easement over the City property for Native American resource protection, open space and public access over the City property; and

WHEREAS, Frame owns real property in the City adjacent to the City property; and

WHEREAS, the Parties have been involved in litigation regarding several issues for several years, to wit: Humboldt County Superior Court case numbers: 92DR0104; DR970041; DR980359; DR010279, DR000544 and CV030643; and,

WHEREAS, the Parties Frame, City, Commission and Conservancy intend by this agreement to once and for all resolve their past, present and future disputes; and

WHEREAS, the Parties desire to establish the location of the public access way called variously the "Old Wagon Road Public Access Trail," and the "Wagner Street Access Trail," (hereafter "the Trail") within the City of Trinidad in order to provide for its future use for the

public benefit and further desire to establish the respective rights of the Parties with respect to maintenance and use of the property owned by the Parties on and directly adjacent to the Trail and further desire to manage the property adjacent to the coastal bluff in such a way as to preserve for as long as is reasonably possible the coastal bluff and the Trail; and to protect the Tsurai Village site; and

WHEREAS, the Parties desire to establish an agreed boundary between the City property and Frame's property adjacent to the Trail to resolve the issues and litigation between the Parties and to provide for the City and the Conservancy's exclusive use and maintenance of the land to the south of that boundary for the public benefit and to provide for Frame's exclusive use and maintenance of the land to the north of that boundary for his private benefit;

NOW, THEREFORE, in consideration of the mutual promises set further herein, it is agreed and resolved by and between Frame, the City, the Commission and the Conservancy as follows:

AGREEMENT

1. Agreed Boundary Between City and Frame Parcels

The Parties have a disagreement based on inconsistencies and discrepancies contained in available surveying data, maps, records, field notes, deeds of record and judicial opinions as to the exact location of the common boundary between the respective parcels of Frame and the City. The Parties agree that a complete resolution of their differences requires that they enter into a final, binding and complete agreement to establish an agreed boundary between the respective adjoining parcels of Frame and the City. Accordingly, the Parties agree that an agreed common boundary (hereafter "Agreed Boundary") shall be established as that line that was staked on the

ground at the parties' joint site inspection on June 15, 2005 and as depicted in the drawing attached as Exhibit A, which is incorporated herein by reference. The Parties agree to cooperatively and within thirty (30) days commission and obtain a survey of the Agreed Boundary by Michael O'Hern, licensed surveyor. The Parties agree that within sixty (60) days following completion of the survey they will execute and deliver all deeds and other documents necessary to establish the Agreed Boundary consistent with Exhibit A to escrow together with instructions to record all deeds and other documents necessary to establish the Agreed Boundary.

The Parties anticipate some delay in the recording of all deeds and other documents necessary to establish the Agreed Boundary which is attributable to securing the approval by the State's Director of General Services. Based on the promises exchanged herein and the Parties' covenant to perform all acts required by their agreements, the parties agree that upon completion of the Agreed Boundary survey (but before recordation of deeds and the Agreed Boundary survey), Frame may construct his fence as allowed in Section 6 below. Until the permitted fence is constructed the City agrees not to maintain the trail to the north of the Agreed Boundary.

The costs of performing the survey of the Agreed Boundary, and costs of escrow and recordation of the required documents to establish the Agreed Boundary, shall be borne by Frame because the City refuses to contribute.

2. Conservancy Easement

The Parties acknowledge that the State of California, acting by and through the Conservancy, holds an easement over the property owned by the City for preservation of public access, open space and Native American natural and archeological resources and that nothing in this agreement defeats or modifies in any way the easement rights of the Conservancy over City

property. The Conservancy's easement is over the property owned by the City and does not extend to the property confirmed to Frame under this agreement. The establishment of the Agreed Boundary shall not result in extension of the Conservancy easement to Frame's property.

As a material term of this settlement agreement, the Conservancy agrees that from and after completion of the Agreed Boundary survey and construction of the fence by Frame, the Conservancy shall not assert any right of public access that is north of the Agreed Boundary, i.e. over Frame's property.

Upon execution of this agreement, the Conservancy shall take such measures as are necessary to confirm the boundaries of its easement to be consistent with the Agreed Boundary, including recordation of deeds or other documents, which are subject to approval by the State's Director of General Services.

3. Maintenance of Property

The Parties agree that the City will have the exclusive right to maintain all land to the south of the agreed boundary line provided for in this agreement, with that right to be exercised consistent with all pertinent law and consistent with the Conservancy easement on the property. The Parties further agree that Frame will have the exclusive right to maintain all land which he owns to the north of the Agreed Boundary provided for in this agreement, with that right to be exercised consistent with all pertinent law.

The Parties acknowledge that pursuant to sections 30106 and 30600 of the Public Resources Code, subject to the adopted Local Coastal Plan of the City of Trinidad and its implementing ordinances, any change in the density or intensity of use of property and any placement or erection of any solid material or structure on property in the Coastal zone shall require a coastal development permit.

In the interest of preserving the coastal bluff and Trail, the Parties agree that the Trail will be no more than 3 feet wide, that the City will mow the grass on the bluff to approximately three to six inches (3" to 6") and that mowing will only occur on the three-foot wide footpath of the Trail (on the portion of the trail adjacent to Frame's parcels as of the date of this agreement). The City wants to protect public use of the Trail from encroaching vegetation growing over or onto the Trail from Frame's property; when that occurs, the City may trim the vegetation back to the south side of the fence. Whenever the City performs vegetation management on the south side of the Trail, the City shall cut vegetation on the coastal bluff to preserve vegetation intended to be permanent rather than annual at heights of not less than three feet nor more than six feet. The Parties agree that in exercising their respective maintenance rights under this agreement, no Party will dump vegetation or debris of any type over the coastal bluff.

4. Width and Location of the Public Access Trail

The Parties agree that the Trail shall be maintained by the City as set forth in Section 3 above, and that the City may narrow the Trail in its discretion, in consultation with the Conservancy, if conditions on the bluff require narrowing of the Trail and so long as the Trail remains reasonably passable. The Parties agree that the Trail maybe placed as close as is practical to the south of the Agreed Boundary provided by this agreement.

5. Preservation of Access to Trail

Frame agrees as part of the consideration for this agreement that he will accept a four-foot wide footpath unimpeded by vegetation on his property adjacent to the Trail over which the Humboldt North Coast Land Trust holds a pedestrian access easement in order to facilitate public access to the Trail. Nothing in this agreement is intended to defeat, enhance or modify in any

way the easement rights owned by the Humboldt North Coast Land Trust or to defeat, enhance or modify in any way the final coastal development permit that required dedication of the easement now owned by the Humboldt North Coast Land Trust.

6. Placement of Fence Within Boundary Line

Frame will submit an application to the City for a coastal development permit for construction of the fence, no higher than four (4) feet, to be placed within his property immediately adjacent to the Agreed Boundary. The fence will be constructed of redwood boards six inches in width, alternately spaced on horizontal boards. The City, Conservancy and Commission agree that Frame's right to place such a fence on his property immediately adjacent to the Agreed Boundary is a material term of this settlement agreement.

The City will at the next regular or special meeting of the Planning Commission take action on Frame's application for a coastal development permit to construct the fence no later than ten days following submission of the application and the required public notice. The City, the Commission, and the Conservancy shall not initiate an administrative appeal to the Coastal Commission of the coastal development permit issued to Frame for construction of the fence. The coastal development permit for the fence shall include that Frame shall have the right of access to perform maintenance of the fence on the City side of the agreed boundary without the necessity for obtaining a further coastal development permit or for obtaining an encroachment permit to perform the maintenance. If the Coastal Development Permit described above is not issued to Frame by the City of Trinidad and if Frame is not allowed to build the fence, this agreement shall be void.

7. 1994 Stipulated Judgment in Humboldt County Action No. 92DR0104

The Parties specifically intend to abide by and implement the 1994 stipulated judgment in Humboldt County Action No. 92DR0104. The Parties specifically intend to implement each and all provisions of the 1994 judgment with respect to the Trail within sixty (60) days of the effective date of this agreement, including placement and maintenance of equal signage for all of the secondary trails provided for in the 1994 agreement, as previously agreed to by the City and Frame.

8. Civil Code Section 1542

The Parties fully understand and hereby relinquish and waive any and all rights or benefit they may have under section 1542 of the California Civil Code which reads as follows: "A general release does not extend to claims which the creditor does not know or suspect exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Notwithstanding the positive intention of the Parties set forth in the recital section of this Agreement, the Parties specifically provide that they do not intend that this release shall apply to future violations of state or local law by any Party to this agreement, nor do they intend that this release shall apply to future violations of this agreement or the 1994 Stipulated Judgment and Settlement Agreement.

9. Effectiveness of Agreement

This agreement shall be effective upon execution of the agreement by all Parties.

10. Attorneys Fees and Costs

The Parties agree that all Parties shall bear their own costs and attorney's fees incurred in

connection with this agreement.

11. Free and Voluntary Agreement

Each Party represents and warrants that his/its execution of this agreement and release is free and voluntary and acknowledges its independent right, absent this agreement, to pursue his/its pending litigation.

12. Continuing Jurisdiction

The Parties agree that consistent with the 1994 Stipulated Judgment and Settlement Agreement, and California Code of Civil Procedure § 664.6, the Humboldt County Superior Court shall retain continuing jurisdiction over the Parties to enforce the terms of this agreement until there is performance of the agreement by all Parties.

13. Stipulated Judgment, Continuing Jurisdiction and Dismissals

It is hereby stipulated by and between the parties that Humboldt County Superior Court Case Number DR980359 is settled and judgment shall be entered in that action pursuant to the terms of this agreement, which are and shall be binding on the parties hereto.

Upon completion of the survey necessary to establish the Agreed Boundary, the Parties shall prepare and place with an agreed escrow agent instructions for filing with the Humboldt County Superior Court forms of dismissal with prejudice regarding all of the pending matters between the Parties including Humboldt County Superior Court case numbers DR010279, DR000544 and CV030643, but not Humboldt County Superior Court number DR980359 in which a stipulated judgment is being entered pursuant to this agreement. Prior actions between these parties have resulted in judgments and are not proper subjects of dismissals, including Humboldt County Superior Court Case Numbers 92DR0104 and DR970041. The dismissals

shall be filed with the court by the escrow agent once the deeds and Agreed Boundary survey are recorded.

14. Miscellaneous Clauses

a. The Parties shall perform any acts, including executing any documents, that may be reasonably related to or necessary to fully carry out the provisions and intent of this Agreement.

b. This Agreement may be amended only by written consent of both parties.

c. All notices, demands, requests or other communications required or permitted by this Agreement shall be in writing and shall be deemed duly served when personally delivered to the Party or an officer or agent of the Party, or when deposited in the United States mail, first class postage prepared, addressed as follows:

John Frame
Post Office Box 360
Trinidad, CA 95570

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

and

City of Trinidad
City Hall
Post Office Box 390
Trinidad, CA 95570

California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612-2530

d. This Agreement shall be construed according to and governed by the laws of the State of California. The language of all parts of this Agreement shall, in all cases, be construed as a whole, affording to its fair meaning and not strictly for or against either any of the Parties.

e. This Agreement constitutes the sole and only Agreement of the Parties regarding this subject matter; it correctly sets forth the rights, duties and obligation of each to the other. Any prior Agreements, promises, negotiations or representations concerning the Agreement, or

any of its subject matter, not expressly set forth in this Agreement are of no force or effect.

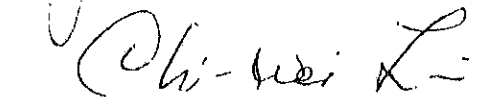
f. This Agreement shall be binding upon the Parties and their respective heirs, administrators, representatives, executors, successors and assigns and shall inure to the benefit of the Parties and each of them and to their heirs, administrators, representatives, executors, successors and assigns.

g. Nothing in this Agreement is, or shall be, alleged, claimed or construed by any Party hereto, their agents, counsel or representatives, to be a violation of any term or provision of any practice or policy; or a violation of any state law, federal law or any policy or regulation.

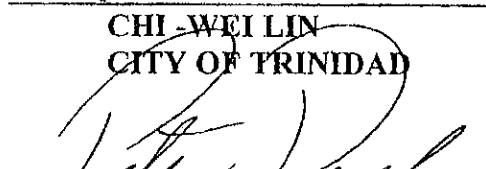
Date: 7/13/5, 2005


JOHN FRAME

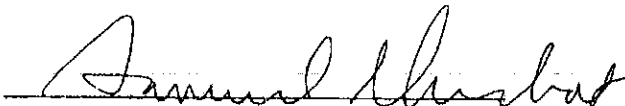
Date: 7/15, 2005


CHI-WEI LIN
CITY OF TRINIDAD

Date: 7/15, 2005


PETER DOUGLAS,
Executive Director,
CALIFORNIA COASTAL
COMMISSION

Date: 9/9/05, 2005


SAMUEL SCHUCHAT,
Executive Director,
CALIFORNIA COASTAL
CONSERVANCY

APPROVED AS TO FORM:

Date: July 13, 2005

William F. Barnum
WILLIAM F. BARNUM,
BARNUM & HERMAN
Attorneys for John Frame

Date: 9/16/05, 2005

Jeffrey Lee Guttero
JEFFREY LEE GUTTERO
Attorney for the City of Trinidad

Date: July 29, 2005

BILL LOCKYER, Attorney General of the
STATE OF CALIFORNIA

By Christiana Tiedemann
CHRISTIANA TIEDEMANN
Deputy Attorney General
Attorneys for the California Coastal Commission
and the California Coastal Conservancy

EXHIBIT A

EXHIBIT A

OCEAN AVENUE

EAST STREET

N89°37'30"E 323.49
BASIS OF BEARINGS

LEGEND

- BRASS CAP MONUMENT, SEE BOOK 19 SURVEYS, PAGE 123
- SET 1/2" GALV. IRON PIPE WITH PLASTIC PLUG LS 4829

WAGNER STREET

FRAME
INSTRUMENT NO.
1990-20312-3

FRAME
INSTRUMENT NO.
1991-19899-3

POINT "A"

26.95
S81°15'05"E

63.83
S77°44'10"E

37.38
S74°03'00"E
26.58
S76°47'30"E

AGREEMENT LINE

CITY OF TRINIDAD
INSTRUMENT NO.
1989-6473

AGREEMENT EXHIBIT
FOR
JOHN FRAME
& CITY OF TRINIDAD
IN

SECTION 23 T8N, R1W, H.M.
JULY, 2005 SCALE 1" = 30'

KELLY-O'HERN ASSOCIATES
EUREKA, CA



Michael J. O'Hern

Michael J. O'Hern L.S. 4829
License expires 9/30/06
Dated JUL 26, 2005

DESCRIPTION OF AN AGREEMENT LINE FOR JOHN FRAME AND THE CITY OF TRINIDAD

BEGINNING at a point on the Southerly extension of the West line of that parcel of land described in a quitclaim deed to John R. Frame, Trustee of Trust dated October 30, 1985, recorded August 24, 1990 as Instrument No. 1990-20312-3, Humboldt County Records, at a point that bears N 81° 15' 05" W from a point identified herein as Point "A" for convenience, said Point "A" bears S 32° 52' 24" E, 372.99 feet from the monument at the intersection of East Street and Ocean Avenue, as shown in Book 19 Surveys, Page 123, Humboldt County Records;

thence S 81° 15' 05" E, 26.95 feet to said Point "A";

thence S 77° 44' 10" E, 63.83 feet;

thence S 74° 03' 00" E, 37.38 feet;

thence S 76° 47' 30" E, 26.58 feet to the Southerly extension of the East line of that parcel of land conveyed to Shirley L. Johnston and John R. Frame by deed recorded August 30, 1991 as Instrument No. 1991-19899-3, Humboldt County Records.

The Basis of Bearings for this description is Book 19 Surveys, Page 123, Humboldt County Records.

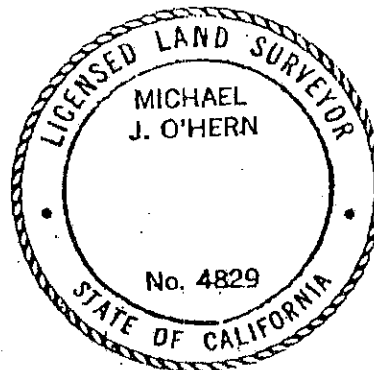
Prepared by:

Michael J. O'Hern

Michael J. O'Hern

LS 4829 Exp. 9-30-06

Dated JULY 26, 2005



1 Laurence A. Kluck, SB #123791
 2 Kelly M. Walsh, SB #159155
 Mathews & Kluck
 Attorneys at Law
 3 100 M Street
 Eureka, California 95501
 4 Telephone: 707-442-3758

5 Attorneys for John Frame

HUMBOLDT SUPERIOR & MUNICIPAL
 COURT
 JUL 23 1997
 FILED

7
 8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

9 JOHN FRAME,

NO. 92 DR 0104

10 Plaintiff

11 vs

ORDER GRANTING MOTION TO
 ENFORCE JUDGMENT

12 CITY OF TRINIDAD, et al
 13 Defendants

14
 15 The motion of plaintiff John Frame for an order to enforce the
 16 judgment dated August 23, 1994 came on regularly for hearing by the
 17 court on July 8, 1997 in Courtroom 4 of the Humboldt County Superior
 18 and Municipal Courts. The Honorable Harold E. Neville presided over
 19 the hearing and plaintiff appeared through counsel, Laurence A. Kluck
 20 and William Davis. Defendant, City of Trinidad appeared through
 21 counsel David E. Tranberg. Defendant Humboldt Northcoast Land Trust
 22 appeared through counsel Douglas Newlan. Intervenor and cross-
 23 complainant the State of California appeared through its counsel
 24 Kenneth R. Williams. The Trinidad Civic Club filed an Application
 25 for Amicus Curiae and appeared through its counsel, Thomas Becker.

26 On proof made to the satisfaction of the court that the motion
 should be granted:

1 IT IS ORDERED that the motion be, and it hereby is, granted,
2 ordering that the Wagner Street Trail in the City of Trinidad be
3 closed forthwith for 90 days.

4 IT IS FURTHER ORDERED that the City of Trinidad be ordered to
5 install signs at the beginning of the Parker Creek Trail and at the
6 beginning of the Growth Lane Trail to Indian Beach designating the
7 Growth Lane Trail and the Parker Creek Trail as trails to Indian
8 Beach.

9 IT IS FURTHER ORDERED that upon the re-opening of the Wagner
10 Street Trail to Indian Beach that the Wagner Street Trail shall be
11 designated as a trail to Indian Beach and the City of Trinidad shall
12 install a sign identical to those signs on the Growth Lane Trail and
13 the Parker Creek Trail to Indian Beach. In addition the Wagner
14 Street Trail shall have a sign installed by the City of Trinidad
15 prohibiting dogs on the Wagner Street Trail and that the Wagner
16 Street Trail will be open only during daylight hours.

17 Approval of this order may be made in counterparts.

18 Dated: July 14, 1997

David E. Aquella
Judge of the Superior Court

19 Approved as to form:

20 David Tranberg 7-18-97
21 Attorney for City of Trinidad

22 Kenneth R. Williams 7/18/97
23 Attorney for the State of California
24
25
26

Mayor Julie Fulkerson
409 Trinity Street
PO BOX 390
Trinidad, CA 95570

October 3, 2014

RECEIVED OCT 03 2014

Dear Mayor Fulkerson,

We understand the council will be meeting in closed session next week to discuss recent events on the Old Wagon Road Trail. As two interested City residents who enjoy using the trail on a regular basis we would like to ask you to consider the following points in your discussion. These are specific responsibilities we feel the City has agreed to take on, either by previous court agreements or per the Trinidad Municipal Code, and which we believe the City is currently failing to consistently carry out.

- 1) Failure to establish an agreed boundary between the City parcel and Frame westernmost parcel (there is apparently still a disagreement of 6 or 7 feet on where the boundary lies due to two or more conflicting surveys) (See Ref-1).
- 2) Failure to maintain a 3 foot wide footpath on the City owned portion (currently about 10-12" of the path is what can be considered a footpath or maintained trail) (see Ref-2). This includes, by common sense, a safe, level footpath that is not a hazard to pedestrians, scooters for the disabled, etc. There are currently many holes, hills, bumps and other hazards.(see Ref-2).
- 3) Failure of the City to maintain the vegetation on the south side of the bluff/trail to between 3 feet and 6 feet of height at all times. (see Ref-2).
- 4) Failure of the City to maintain the vegetation on the north side of the bluff/trail coming through the homeowner's fences. (see Ref-2).
- 5) Failure of the City to install trail markers and signs per the 1994 court order. (See Ref-3).
- 6) Failure to remove the "No Wheeled Vehicles" sign at the east end of the City trail, which is not specified in either the 1994 Stipulation nor the 2005 Mutual Settlement Agreement. This sign (and TMC Ordinance 12.20.040-B ("By pedestrian use only) is in likely violation of Federal ADA law. In addition, a letter dated November 12, 2008 by City Manager, Steve Albright, to City staff and Trinidad residents reads as follows:

*"Ordinance #2008-2 revised Chapter 12.20 of the Trinidad Municipal Code
"In conformance with the terms of the Settlement agreements, the City's Code now*

clearly states:

*"The public has the right to the "use and quiet enjoyment" of the Wagner Street Trail"
"Prohibitions do NOT pertain to the use of the trail by handicapped persons."*

- 7) Failure to enforce the Trinidad Municipal Code section 12.20.040 which prohibits:

"D. Interference with the public's right of use and quiet enjoyment is prohibited. [Ord. 2008-02, 2008; Ord. 2004-02, 2004]"

There have been numerous documented (on video) recent incidents where homeowner or his workers have harassed and threatened users of the trail and easement.

The enforcement provisions are called out specifically in Trinidad Municipal Code Section 12.20.050 Violation - Penalty":

A violation of any of the provisions of this chapter shall be either an infraction or a misdemeanor. Each violation is punishable by penalties as authorized by Government Code Section 36901.

Violations charged as infractions are punishable by fines as follows, TMC 1.08.010(C) notwithstanding:

A. A fine not exceeding \$150.00 for the first violation;

B. A fine not exceeding \$300.00 for a second violation within one year; and

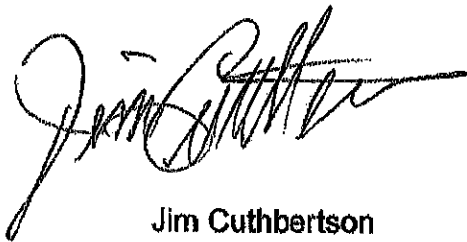
C. A fine not exceeding \$750.00 for a third violation within one year.

Violations charged as misdemeanors are punishable pursuant to the provisions of TMC 1.08.010(B). [Ord. 2008-02, 2008; Ord. 2004-02, 2004].

- 8) Failure of the City to remove illegal signs placed on the Wagner Street public right away saying "Private Drive, Do Not Enter" and at the entrance to the Easement saying "Private Property, Private Drive, No Trespassing". Same for signs right at the intersection of the public easement with Wagner Street.
- 9) Failure of the City to insist on a Coastal Development permit for six 4x4 steel posts installed in the Easement within 50 feet of a coastal Bluff. See Ref-4. These posts also don't meet the "Four foot pathway" required in the Settlement Agreement (measuring in a zig zag pattern is an obvious attempt to meet the letter of the law and not the spirit.)

We ask that City Council and City Manager take these points into consideration at their closed meeting, and further, do everything possible to remedy or enforce these City responsibilities per the Municipal Code and court agreements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Cuthbertson".

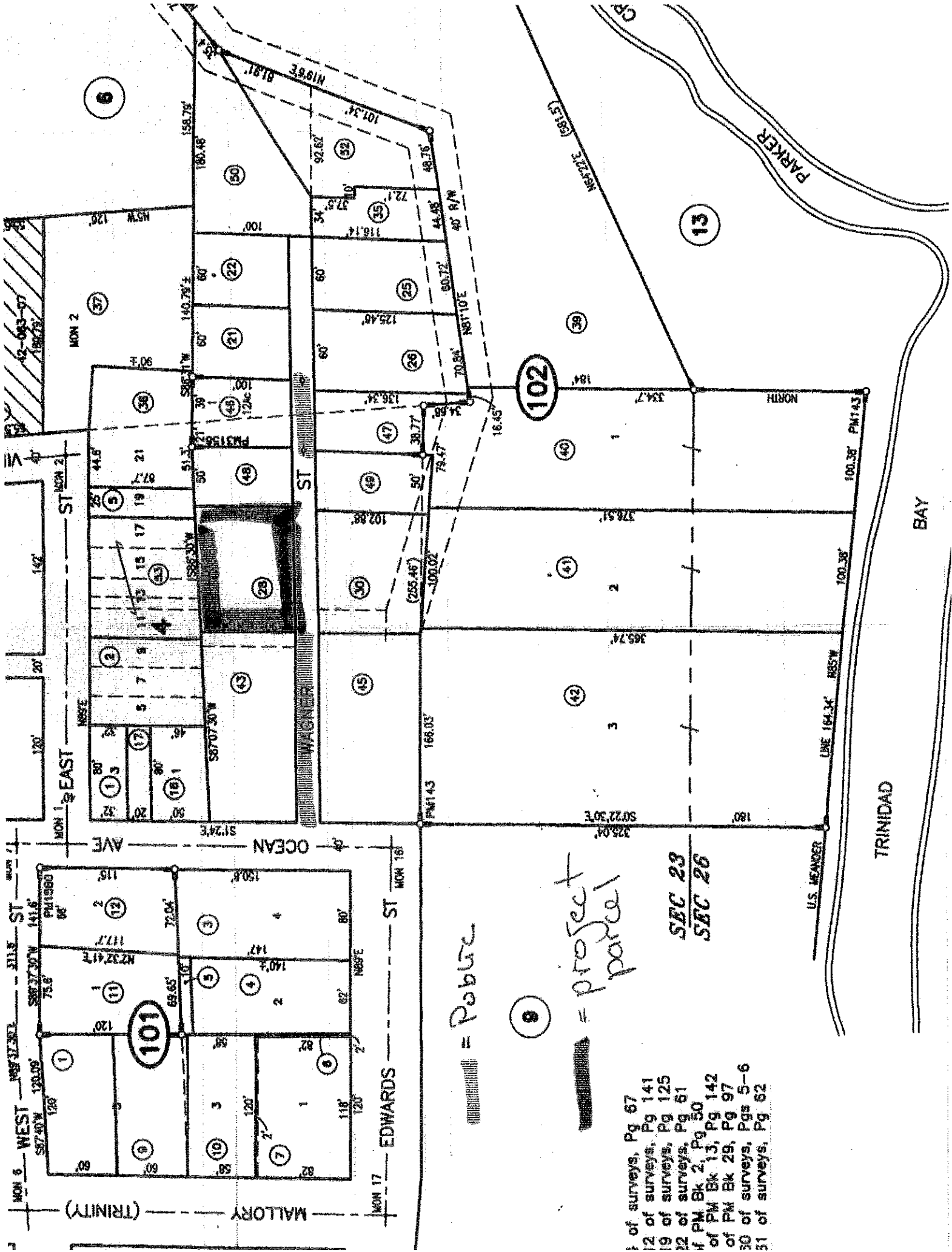
Jim Cuthbertson
PO BOX 1201
840 Van Wycke St
Trinidad, CA 95570

A handwritten signature in cursive script, appearing to read "Steve Saunders".

Steve Saunders
PO BOX 781
861 Van Wycke St
Trinidad, CA 95570

References:

- (1) Survey's in apparent conflict:
 - a) Record of Survey for State Coastal Conservancy, February 25, 1981, James Crabtree, Oscar Larson & Associates
 - b) Record of Survey for John Frame, September 30, 2001, Kenneth Davlin, Oscar Larson & Associates
- (2) Mutual Settlement Agreement and Release September 16, 2005, Section 3, Pages 4- 5.
- (3) Letter "Frame vs City of Trinidad, et al" dated May 10, 1994 and "Stipulation of Entry of Judgement and Order (CCP 664.6) Section 2(a-b)
"The three (3) existing trails to Indian Beach are part of the Trinidad Trail System included in the Local Coastal Plan which has been approved by both the Coastal Commision and the City of Trinidad... the signing will be identical for these trails..."
- (4) Barclays California Code of Regulations, Subchapter 6, Section 13250, item (3) (b):
"Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects: (1) Improvements to a single-family structure if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.



||||| = Public

9 = project parcel

SEC 23
SEC 26

- 1 of surveys, Pg 67
- 12 of surveys, Pg 141
- 19 of surveys, Pg 125
- 22 of surveys, Pg 61
- of PM Bk 2, Pg 50
- of PM Bk 13, Pg 142
- of PM Bk 29, Pg 97
- 30 of surveys, Pgs 5-6
- 51 of surveys, Pg 62

RESOLUTION NO. 12-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD
ACCEPTING GRANT DEED:

BE IT RESOLVED as follows:

1. That certain Grant Deed executed by Lois M. Replogle, who acquired title as Lois M. Speler, to the City of Trinidad, bearing date and being executed November 12, 1974, is hereby accepted by the City of Trinidad.

CITY OF TRINIDAD

Joe E. Collins
Mayor

ATTEST:

Marianne Lappin
City Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an ordinance passed and adopted by the City Council of the City of Trinidad, held on the third day of December, 1974, by the following roll call vote:

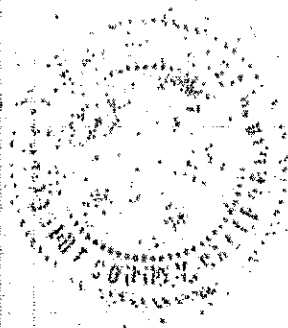
AYES: Collins, Boyle, E. Robison, Wagner, T. Robison

NOES: None

ABSENT: None

Resolution Above

Marianne Lappin
City Clerk



RECORDING REQUESTED BY

MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL TO

NAME City of Trinidad
ADDRESS P.O. Drawer N
CITY & STATE Trinidad, Ca. 95570

740
RECORDED AT REQUEST OF
City of Trinidad
OFFICIAL
VOL. 1271 RECORDS PG 474
JAN 15 10 51 AM 1975
HUMBOLDT COUNTY RECORDS
SHADE JACKSON, RECORDER
Shade Jackson DEPUTY
FEE \$ none

SPACE ABOVE THIS LINE FOR RECORDER'S USE
DOCUMENTARY TRANSFER TAX \$ -0- COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, -0- OR COMPUTED ON
FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE



SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX. FIRM NAME

Grant Deed

A portion of
A.P. No. 42-101-29

ORDER NO. _____ THIS FORM FURNISHED BY **HUMBOLDT LAND TITLE COMPANY**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LOIS M. REPLOGLE, who acquired title as **Lois M. Speier**

hereby GRANT(S) to

THE CITY OF TRINIDAD, a Municipal Corporation

the following described property in the City of Trinidad
County of Humboldt, State of California:

That portion of Lot 4 of Trinidad as per Map thereof by J. S. Murray
filed in the office of the County Recorder of said County, described
as follows:

A strip of land 20 feet in width, the centerline of which is
described as follows:

BEGINNING at the Southeast corner of the land conveyed to Darrow
English and wife by Deed recorded November 28, 1950, under Recorder's
Serial No. 12425 in the office of the County Recorder of said County;
thence West, 456.62 feet, more or less, to a point which is 10 feet
East of the East line of the parcel of land conveyed to Celia Owen
by Deed recorded August 12, 1948 in Book 59, Page 300 of Official
Records, under Recorder's Serial No. 8035, Humboldt County Records,
to the true point of beginning;
thence West, 10 feet to said last mentioned East line;
thence North 89 degrees 24 minutes West, 145 feet to a point on the
East line of Ocean Avenue, located 43 feet Northerly thereon from
the North line of Edwards Street.

Dated November 12, 1974

Lois M. Replogle
Lois M. Replogle

STATE OF CALIFORNIA
COUNTY OF Humboldt } SS.

On Nov. 12, 1974 before me, the under
signed, a Notary Public in and for said County and State, personally
appeared:

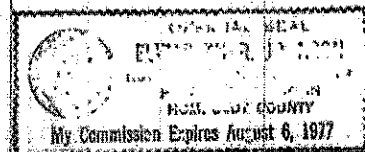
Lois M. Replogle

Marianne Tappenbeck
Marianne Tappenbeck, Clerk
City of Trinidad

known to me
to be the person whose name Lois M. Replogle subscribed to the within
instrument and acknowledged that she executed the same.

Elgabook P. Johnson
Signature of Notary

FOR NOTARY SEAL OR STAMP



P.O. Box 506

Trinidad, CA 95570 CONSERVATION AND ACCESS EASEMENT

8-10-01

RECORDED AT REQUEST

Carl S. Replogle

VOL 1652

SEP 2 1 15 PM

For value received, we, the undersigned, grant to the Humboldt Northcoast Land Trust (HNCLT) an easement for conservation and limited public access.

Public access will be limited to orderly pedestrian traffic along a foot trail over the easement, and for no other purpose whatever.

HUMBOLDT COUNTY REC
GRACE JACKSON REC

①

The easement is described as follows:

Located in the city of Trinidad, Humboldt County, California a strip of land 15 feet wide, the center line of which begins at a point which is located on the South side of Wagner Street a distance of 148.07 feet East of the intersection of the East line of Ocean Avenue and the South line of Wagner Street and runs South zero degrees $34\frac{1}{2}$ minutes West for a distance of 92.57 feet to a line which is the South line of Edwards Street if extended.

The grantors reserve, however, the right to make such improvements as are reasonably required to protect against erosion, flooding, lack of support, falling objects or other steps as may be reasonably necessary for the convenient enjoyment of the property not included in the easement described above. Grantors may maintain their existing view by trimming vegetation which may grow on the easement and drive motor vehicles over any part of the easement in order to maintain easy access to their garage or other portions of their property.

Carl S. Replogle

Date Sept 2, 1981

Lois M. Replogle
(A.K.A. Lois M. Speier)

Date Sept 2, 1981

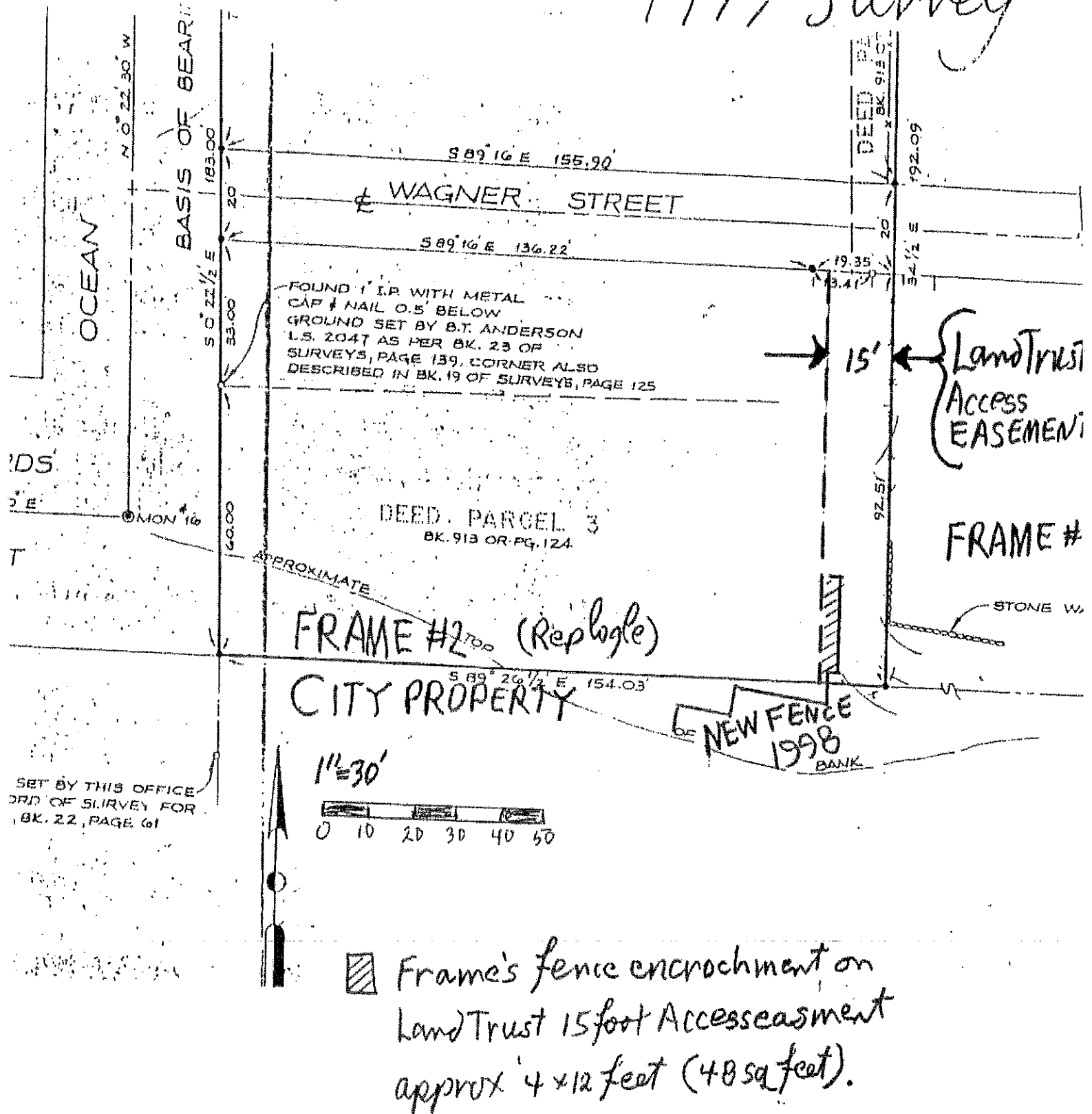
STATE OF CALIFORNIA)
COUNTY OF HUMBOLDT) ss

On SEPT 2, 1981, before me, the undersigned, a NOTARY PUBLIC, in and for said County and State, personally appeared Carl S. Replogle

35

Rephogle

1977 Survey



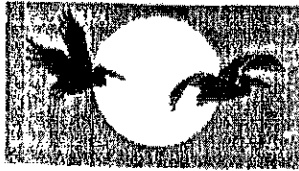
HUMBOLDT NORTH COAST LAND TRUST

P.O. Box 457, Trinidad, CA 95570-0457

TRUSTEES

Ned Simmons
president (707) 677-0716
Ted Ruprecht
treasurer 677-3376
Mary Wilbur
secretary 677-0716

Phone (707) 677-0716



John Calkins
John Burkett
Mickey Fleshner
Dana Deason

June 18, 1999
Certified mail

Mr. John R. Frame
P.O. Box 360
Trinidad, CA 95570

Dear Mr. Frame:

The Humboldt North Coast Land Trust request that you remove that portion of your fence that you erected on the trail easement. We expect this to be done in the very near future.

This easement being the one that was granted by Carl S. Replogle and Lois M. Replogle on September 2, 1981 to the Humboldt North Coast Land Trust. The width of the easement is fifteen feet. However, the width between the deck you built and the fence you built is only eleven feet.

You never replied to the Land Trust's letters dated February 20, 1998 and April 14, 1998 on this matter.

Sincerely,

Z 320 761 308

US Postal Service
Receipt for Certified Mail

Ned Simmons

CC: City of Trinidad

is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

John Frame
P.O. Box 360
Trinidad, CA
95570

4a. Article Number

2320 761 308

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

6/22/99

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.